



**Seo and Sons Limited v M'Mburugu (Civil Appeal E047 of 2022)  
[2024] KEHC 1145 (KLR) (18 January 2024) (Ruling)**

Neutral citation: [2024] KEHC 1145 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
CIVIL APPEAL E047 OF 2022  
TW CHERERE, J  
JANUARY 18, 2024**

**BETWEEN**

**SEO AND SONS LIMITED ..... APPELLANT**

**AND**

**FREDRICK KOOME M'MBURUGU ..... RESPONDENT**

**RULING**

1. By judgment dated 21<sup>st</sup> September, 2023, this court upheld the trial court's judgment in favour of the Applicant against the Respondent for ksh 6,930,577/- and for special damages in the sum of ksh 380/-.
2. By a previous order dated 23<sup>rd</sup> June, 2023, this court had granted an order of stay of execution pending appeal on condition that Respondent deposits ksh 1,000,000/- as security which order the Respondent duly complied with.
3. Based on the ground that the judgment sum remains unsettled, Applicant by notice of motion dated 08<sup>th</sup> November, 2023 seeks that the sum of ksh 1,000,000/- deposited by the Respondent be released to the Applicant as part payment of the decretal sum. The application is supported by an affidavit sworn by the Applicant on 08<sup>th</sup> November, 2023 in which he reiterates the prayers in the application.
4. The application was served on Respondent's advocate but as at the time of hearing the application, no response had been filed. The application is therefore unopposed.
5. I have considered the application and I find that it is merited for the reason that the judgment sum which is due from the Respondent who is the depositor of the security sum remains unsettled.
6. It is therefore ordered that the sum of ksh 1,000,000/- deposited in court by the Respondent be released to the Applicant's advocates as part settlement of the decretal sum.

**DATED AT MERU THIS 18<sup>TH</sup> DAY OF JANUARY 2024**



**WAMAE. T. W. CHERERE**

**JUDGE**

Appearances

Court Assistant - Morris Kinoti

For Applicant - Mr. Njindo for Ngunjiri Michael & Co. Advocates

For Respondent - N/A for Hashim & Leisagor & Co Advocates

