



Nthiga & another v Lemparasoroi (Suing on Behalf of the Estate of Joseph Lemparasoroi Deceased) (Civil Appeal 498 of 2016) [2024] KEHC 9241 (KLR) (Civ) (1 August 2024) (Ruling)

Neutral citation: [2024] KEHC 9241 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CIVIL

CIVIL APPEAL 498 OF 2016

AN ONGERI, J

AUGUST 1, 2024

BETWEEN

PAUL MWANIKI NTHIGA 1ST APPELLANT

STRATEGIC MOBILE LIMITED 2ND APPELLANT

AND

JANE LEMPARASOROI (SUING ON BEHALF OF THE ESTATE OF JOSEPH LEMPARASOROI DECEASED) RESPONDENT

RULING

1. There are two applications coming for consideration in this ruling dated 24/10/2024 and 1/12/2023 respectively.
2. The one dated 24/10/2024 is seeking release of the decretal sum of ksh3,828,853 held at NIC Bank account in the name of “The Registrar High Court” together with all accrued interest to the decree holder through his advocate Ms Katwa & Kemboi Advocates A/No 013xxxxxxxxxx
Branch: Sheikh Karume
Bank: Access Bank
Swift code: ABNGKENA
3. The application dated 1/12/2023 is seeking for orders that the said decretal sum be held as security pending an appeal to the Court of Appeal.
4. The said sum was awarded in Milimani CMCC No. 7665 of 2009 in a judgment which was delivered on 30/6/2016.
5. Thereafter the appellant appealed to this court and the appeal was dismissed on 16/12/2022.



- 6. The appellant has not demonstrated that they have an arguable appeal considering that the finding of the trial court was upheld by the High Court.
- 7. I find the appellant has had more than sufficient time to pursue the 2nd appeal to the Court of Appeal.
- 8. The application dated 1/12/2023 lacks in merit and the same is dismissed with costs to the respondent.
- 9. The application dated 24/10/2024 be and is hereby allowed as prayed with costs.
- 10. The decretal sum of ksh3,828,853 held at NIC Bank account in the name of “The Registrar High Court” together with all accrued interest to the decree holder through his advocate Ms Katwa & Kemboi Advocates A/No 013xxxxxxxxxx

Branch: Sheikh Karume

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DATED, SIGNED AND DELIVERED ONLINE VIA MICROSOFT TEAMS AT NAIROBI THIS 1ST DAY OF AUGUST, 2024.

.....

A. N. ONGERI

JUDGE

In the presence of:

..... for the Appellant

..... for the Respondent

