



REPUBLIC OF KENYA



**Namu v Gicovi & 2 others (Civil Appeal E174 of 2021)
[2024] KEHC 12464 (KLR) (17 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12464 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL APPEAL E174 OF 2021
DO CHEPKWONY, J
OCTOBER 17, 2024**

BETWEEN

CHARITY MUTHONI NAMU APPLICANT

AND

SAMUEL NJOGU GICOVI 1ST RESPONDENT

ALEXANDER MUNYI 2ND RESPONDENT

MAURICE NJAGI 3RD RESPONDENT

*(Being an Appeal from the Judgment delivered by Honourable V.
Kachuodho, SRM on 30th August, 2021 in HCCC No.64 of 2016 at Thika)*

RULING

1. Vide a Chamber Summons application dated 4th October, 2024, the Applicant/Decree-Holder has sought for orders that:-
 - a. Spent.
 - b. That the monies held as deposit or otherwise in the account paid into Kiambu Law Courts as security on the 10th November, 2021 vide Deposit Reference No. EYM9JCWK and Deposit TransactionNo.TT21314B2ZMD in the name of Kimondo Gachoka & Company Advocates, Advocates for the Judgment-Debtor/Respondent may be sufficient for the full or partial satisfaction of the Judgment, Decree and Certificate of Costs given by this Honourable Court on 30th August, 2021, in favour of the Decree-Holder/Applicant now standing at Kshs.1,057,235.00 as at the date of making this application plus interests and costs of this application.
 - c. That an order does issue attaching and sending monies held in the said account to the Account.



Account Name: Wangari Mwanzia & Associates

Bank Name: Family Bank

Account Number: -15000007745

Bank Code: 015

Swift Code: FABLKENA

Branch Name: LAPTRUST

- d. That costs of this application be provided.
2. The application is premised on the grounds set out on its face and deponed in the Affidavit sworn by Charity Muthoni Namu on even date. The gist of this application is that as a condition for stay of execution pending Appeal, the court ordered that an amount of Kshs.1,057,235.00 be deposited in court as security for due performance and the same was duly deposited on 10th November, 2021. She appeal was heard and on 3rd July, 2024, the same was dismissed with costs. The Respondents have failed, declined and or refused to comply with the Decree and Certificate of Costs of this court.
 3. Despite having been served with the application and hearing Notice, the Respondents/Judgment-Debtors and or their advocate has not filed a response or attended court to argue the application. This has been evidenced by the Affidavit of Service dated 11th October, 2024 and their absence in court.
 4. In the circumstances, the Chamber Summons application dated 4th October, 2024 is unopposed and the same is allowed in the following terms:-
 - a. That the monies held as deposit or otherwise in the account paid into Kiambu Law Courts as security on the 10th November, 2021 vide Deposit Reference No. EYM9JCKW and Deposit TransactionNo.TT21314B2ZMD in the name of Kimondo Gachoka & Company Advocates, Advocates for the Judgment-Debtor/Respondent be and are hereby attached and shall be used to satisfy the Judgment, Decree and Certificate of Costs given by this Honourable Court on 30th August, 2021, in favour of the Decree-Holder/ Applicant now standing at Kshs.1,057,235.00 as at the date of making this application plus interests and costs of this application.
 - b. That an order be and is hereby issued attaching monies held in the said account and the same to be sent to the following Account;

Account Name: Wangari Mwanzia & Associates
Bank Name: Family Bank
Account Number: -15000007745
Bank Code: 015
Swift Code: FABLKENA
Branch Name: LAPTRUST

It is so ordered.

**RULING DATED AND SIGNED AT KIAMBU THIS 17TH DAY OF ...OCTOBER.... 2024.
(UPLOADED VIA ELECTRONIC MAIL)**

D. O. CHEPKWONY



JUDGE

