



**Maina v Duaf t/a International , Nairobi (Commercial Miscellaneous Application E806 of 2022) [2023] KEHC 1224 (KLR) (Commercial and Tax) (14 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 1224 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)  
COMMERCIAL AND TAX  
COMMERCIAL MISCELLANEOUS APPLICATION E806 OF 2022**

**DO CHEPKWONY, J**

**FEBRUARY 14, 2023**

**BETWEEN**

**ERIC BOBBY MAINA ..... APPLICANT**

**AND**

**JOHN DUAF T/A INTERNATIONAL , NAIROBI ..... RESPONDENT**

**RULING**

1. This matter coming up for mention on February 7, 2023 for parties to confirm compliance of the directions issued on November 24, 2022 in respect of the application dated November 14, 2022.
2. However, counsel for the respondent was not in attendance on the virtual platform and hence the applicant's counsel applied to find the said application unopposed and allow it in the terms presented.
3. Vide a notice of motion application dated November 14, 2022, the applicant seeks for:-
  - a) Spent;
  - b) Spent;
  - c) That there be stay of proceedings in Nrb Misc Application No 41465 of 2022,, Phillips International Auctioneers v John Duag T/A Duaf International, Nairobi, and hence implementation of the orders granted on the November 8, 2022 and any subsequent orders therein, pending the hearing and determination of the intended substantive appeal,
  - d. The applicant be and is hereby granted leave to lodge an appeal as against the directive and or orders by Hon Cosmas Maundu, CM (Mr) and dated November 8, 2022.
  - e. Mention on March 16, 2023 to confirm compliance and take further directions.



Orders accordingly.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT NAIROBI THIS 14TH DAY OF FEBRUARY 2023.**

**D. O. CHEPKWONY**

**JUDGE**

**In the presence of:**

**Mr. Manguti holding brief for Mr. K'Okul counsel for Applicant**

**No appearance for Respondent**

**Court Assistant - Sakina**

