



Directline Assurance Co Ltd v Obura (Civil Miscellaneous Application E033 of 2022) [2023] KEHC 18800 (KLR) (Civ) (13 June 2023) (Ruling)

Neutral citation: [2023] KEHC 18800 (KLR)

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

CIVIL

CIVIL MISCELLANEOUS APPLICATION E033 OF 2022

AN ONGERI, J

JUNE 13, 2023

BETWEEN

DIRECTLINE ASSURANCE CO LTD APPLICANT

AND

JOSEPH ONYANGO OBURA RESPONDENT

RULING

1. The court delivered a ruling on February 24, 2023 directing the Executive Officer, Milimani Commercial Courts to avail CMCC No E6247 of 2020 for perusal and directions.
2. I have perused the said file and I find that on June 4, 2021, the trial court dismissed the application dated January 18, 2021 which was seeking striking out of the defence.
3. I find that no judgment was entered and therefore the execution proceedings commenced against the appellant are erroneous.
4. I set aside the erroneous execution proceedings and direct that CMCC No E6247 of 2020 be set down for hearing.

Orders accordingly.

DATED, SIGNED AND DELIVERED ONLINE VIA MICROSOFT TEAMS AT NAIROBI THIS 13TH DAY OF JUNE, 2023.

.....

A. N. ONGERI

JUDGE



In the presence of:

..... for the Applicant

..... for the Respondent

