



**Sirbrook (K) Limited v Nakuru Industries Limited (Civil Case
E277 of 2009) [2023] KEHC 19502 (KLR) (4 July 2023) (Directions)**

Neutral citation: [2023] KEHC 19502 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CIVIL CASE E277 OF 2009
HK CHEMITEI, J
JULY 4, 2023**

BETWEEN

SIRBROOK (K) LIMITED PLAINTIFF

AND

NAKURU INDUSTRIES LIMITED DEFENDANT

DIRECTIONS

1. The court has perused the application by the applicant dated 31st August 2022 seeking that the sum of Kshs 4,152,000 deposited by the plaintiff in court be released to the defendant.
2. The court has also perused the supporting affidavit of R. P. Shah and the annexures in support and the grounds thereof.
3. At the same time the court has perused the replying affidavit of Shah R M Keshavji the respondent's managing director sworn on 28th November 2022 and the annexures thereto.
4. On the same note the court has perused the submissions by the parties together with the cited authorities.
5. It is the finding of this court that the issues in question are evidently clear and straight forward. It is not disputed that the respondents appeal was dismissed. As at the time of the appeal there was some decretal sum which had been deposited in court as security i suppose pending appeal.
6. There are other payments made by the respondent which this court is of the considered opinion that parties ought to appear before the deputy registrar of this court to ventilate the mathematics involved. For instance, there seems to be some payments made by the respondent during the pendency of the appeal and which ought to be taken into account assuming that the same is true.
7. Then there is some amount paid to m/s Karanja Mbugua advocate which the parties ought to be clear about.



8. The sum total of the directions herein is that the accounts ought to be undertaken before the deputy registrar for this court to give a meaningful decision. Obviously, the issues that shall be ventilated therein are not litigating again but purely taking of accounts and presenting before her any evidence of payments.
9. In the event that there is any issue outside her purview then it shall be brought before this court.
10. In the premises, the parties are hereby granted 30 days to appear before the deputy registrar for taking of accounts and thereafter the matter be brought before this court for further directions.

DATED SIGNED AND DELIVERED VIA VIDEO LINK AT NAKURU THIS 4TH DAY OF JULY, 2023.

H K CHEMITEI

JUDGE

