



Odeny Maube & Co. Advocates v Moly Credit Limited (Miscellaneous Application E059 of 2021) [2024] KEHC 12588 (KLR) (22 October 2024) (Ruling)

Neutral citation: [2024] KEHC 12588 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
MISCELLANEOUS APPLICATION E059 OF 2021
WM MUSYOKA, J
OCTOBER 22, 2024**

BETWEEN

ODENY MAUBE & CO. ADVOCATES APPLICANT

AND

MOLYN CREDIT LIMITED RESPONDENT

RULING

1. On November 10, 2023, I ruled as follows, at paragraph 6 of the typed ruling:

“Consequently, I hereby enter judgment as prayed, but the amount to be paid ultimately shall take into account any payments already made by the respondent, in respect of which accounts shall be taken before the Deputy Registrar/taxing officer, before execution proceedings are taken out.”

2. The applicant filed a statement of the moneys paid by the respondent, dated 16th July 2024. It indicates that Kshs. 80,485.00 had been received, being Kshs. 70,410.00 court filing fees on plaint and allied papers, Kshs. 75.00 court fees on written submissions, and Kshs. 10,000.00 towards fees. The certificate of costs was for Kshs. 340,536.00. When the deposit of fees, of Kshs. 10,000.00 is deducted, what would be due is Kshs. 330,536.00.

3. The respondent did not file a counter-statement. That would mean that the statement by the applicant is not challenged or contested.

4. The applicant is at liberty, to proceed to levy execution, to recover the sum of Kshs. 330,536.00, on the respondent. Orders accordingly.

DELIVERED VIA EMAIL, DATED AND SIGNED, IN CHAMBERS, AT BUSIA, THIS 22ND DAY OF OCTOBER 2024.



W MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.

Advocates

Ms. Akinyi, instructed by Bruce Odeny & Company, Advocates for the applicant.

Mr. Achero, instructed by Achero Mufuayia & Company, Advocates for the respondent.

