



**Stanley Muluvi Kiima t/a Mutunga & Company Advocates v Ndigirigi (Civil Appeal E997 of 2022) [2024] KEHC 12265 (KLR) (Civ) (15 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12265 (KLR)

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

**CIVIL**

**CIVIL APPEAL E997 OF 2022**

**JN MULWA, J**

**OCTOBER 15, 2024**

**BETWEEN**

**STANLEY MULUVI KIIMA T/A MUTUNGA & COMPANY  
ADVOCATES ..... APPELLANT**

**AND**

**ALLAN MUTHUI NDIGIRIGI ..... RESPONDENT**

*(An Appeal from the Judgment of the Principal Magistrate, Nairobi, Milimani Commercial Courts, (The Honourable Mr. E.M. KAGONI) delivered on the 1st day of December 2022 in Nairobi, Milimani Chief Magistrate's Court Civil Suit No. 4217 of 2015)*

**RULING**

1. By a Notice of Motion dated 18/6/2024, the Appellant/ Applicant herein, Stanley Muluvi Kiima T/ A Mutunga & Company Advocates, seeks an order that the sum of Kshs. 8,693,754.00/= deposited in an interest-earning Joint Account No. 1313263710 in the joint names of the law firms of Amolo & Gacoka Advocates for the Respondent and Wangai Nyuthe & Company Advocates for the Appellant at KCB BANK, Capital Hill Branch, Nairobi be released to the Appellant forthwith.
2. The court has considered the supporting affidavit sworn on even date by Advocate Moses Kinyanjui for the applicant, and notes the appeal was heard and judgment delivered in favour of the Applicant on 11/6/2024 dismissing the trial court's suit. The court has not been told of a pending appeal or otherwise in respect of the judgment.
3. The application is unopposed.



4. By a consent order executed by advocates of both parties on 4/3/2023 as stated at paragraph 2 of this motion, a sum of Kshs. 8,693,754.00 was deposited into a joint interest earning bank account at KCB, and a further sum of Kshs. 1,000,000/= deposited in court as security by the Appellant/ Applicant.
5. There being no reason for the continued withholding of the decretal sum and all accrued interests from the successful party, the Appellant, Prayer numbers 2 and 3 of the Application dated 18/6/2024 are hereby granted.
6. Costs of the application shall be in the cause.

**DELIVERED DATED AND SIGNED AT NAIROBI THIS 15<sup>TH</sup> DAY OF OCTOBER 2024.**

**JANET MULWA**

**JUDGE**

