



REPUBLIC OF KENYA



**Bingwa Sacco Society Limited v Ngatia (Civil Case E318 of 2023)
[2024] KEHC 14138 (KLR) (Civ) (13 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14138 (KLR)

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

**CIVIL
CIVIL CASE E318 OF 2023**

TW OUYA, J

NOVEMBER 13, 2024

BETWEEN

BINGWA SACCO SOCIETY LIMITED APPLICANT

AND

CRIPUS KARIMI NGATIA RESPONDENT

RULING

1. Before the court is a Notice of Motion application dated 30th October 2024 by the Applicant. The application is a prayer for the release of the decretal sum in the sum of Kshs4,239,749.51 together with any accrued interest which was in the joint names of Magee Law and R.M Mutiso Advocates for the Applicant and Respondents respectively.
2. The Application is supported by Affidavit and annexures thereto demonstrating that indeed the account was opened and the said amount deposited on 23rd August 2023.
3. The deposit was made as security as a condition for stay of execution pending hearing and determination of the Appeal.
4. Counsel has attached the Judgement of the appeal and it is apparent that the appeal was determined in favour of the Applicant.
5. This application together with supporting affidavit were served upon the Respondent and Affidavit of service thereto dated 4th October 2023 was also filed but there was no appearance during the hearing on 11th November 2024.
6. This court has considered the said application and considers the same unopposed since the Respondent has failed to file any response or to appear in Court.



7. Having perused the Judgement and noted the same to be in favour of the Applicant, together with the decree thereof, I have no doubt that there is no reason to continue holding the decretal amount in the said account.
8. The court therefore orders that:
 1. Kshs 4,239,749.51 held in account No 0100284509418 of Equity Bank in the names of Magee Law and R.M Mutiso Advocates be released to the Applicant.
 2. Costs of this Application to the Applicant.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 13TH DAY OF NOVEMBER, 2024.

HON. T. W. OUYA

JUDGE

11/11/2024

For the Applicant: Ms. Wachira

For Respondent: N/A

Court Assistant: Martin

