



**Kamau v Nyaringi (Civil Appeal E213 of 2024)  
[2024] KEHC 13998 (KLR) (Civ) (11 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 13998 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)  
CIVIL  
CIVIL APPEAL E213 OF 2024  
TW OUYA, J  
NOVEMBER 11, 2024**

**BETWEEN**

**AGNES NYAMBURA KAMAU ..... APPELLANT**

**AND**

**ABRAHAM MUTHEE NYARINGI ..... RESPONDENT**

**RULING**

1. This matter came up for Notice to show cause why the matter should not be dismissed today on 11<sup>th</sup> November 2024.
2. The subject application is Notice of motion application dated 22<sup>nd</sup> February 2024 by the Appellant which was brought under certificate of urgency together with a memorandum of Appeal dated 14<sup>th</sup> February and a prayer for stay of execution.
3. The application was compromised on 6<sup>th</sup> March 2024 before Hon. A. J Ongeri on the conditions that:
  - i. Appellant to deposit the decretal sum of Kshs 500,000 in a joint account in the names of counsels for the parties within 45 days.
  - ii. Appellant to file Records of Appeal within 45 days.
4. Counsel for the Appellant has submitted to court that they have had challenges obtaining the decree.
5. Counsel for the Respondent has submitted that the Appellant has failed to comply with the conditions of stay that were granted by court on 6<sup>th</sup> March 2024.
6. Counsel for Appellant has not demonstrated any justifiable reason why they have not complied by depositing the decretal sum in a joint interest earning account as was directed on 6/3/2024.



7. The explanation given by counsel about challenges in obtaining the decree is not justifiable because the lower court file has been available in the High Court Registry. Counsel could have filed the Record of Appeal together with the judgement appealed against. Any other documents could have been filed as supplementary Record of Appeal.
8. This matter was, mentioned before the Deputy registrar who forwarded the matter to this court for Notice to show cause Hearing.
9. Counsel for the Appellant has not demonstrated any justifiable cause why this appeal should continue to be retained.
10. Based on the above, I hereby order that this appeal be dismissed with costs to the Respondent.

**DATED, SIGNED AND DELIVERED VIRTUALLY THIS 11<sup>TH</sup> DAY OF NOVEMBER, 2024**

**ROA 14 days.**

**HON. T. W. OUYA**

**JUDGE**

**11/11/2024**

For Appellant Mshindi H/B for Wandaka

For Respondent Sirima holding H/B for Muzihya

Court Assistant Martin

