



**Macharia & 2 others v Gichira (Minor) Suing through Rodha Wanjiku  
Muthami Rodha Wanjiku Muthami (Miscellaneous Application E582 of 2023)  
[2024] KEHC 14018 (KLR) (Civ) (11 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14018 (KLR)

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

**CIVIL**

**MISCELLANEOUS APPLICATION E582 OF 2023**

**TW OUYA, J**

**NOVEMBER 11, 2024**

**BETWEEN**

**JOSEPHAT CHEGE MACHARIA & 2 OTHERS & 2 OTHERS & 2 OTHERS & 2  
OTHERS & 2 OTHERS & 2 OTHERS ..... APPLICANT**

**AND**

**GRACE WANJIKU GICHIRA (MINOR) SUING THROUGH RODHA WANJIKU  
MUTHAMI ..... RESPONDENT**

**RULING**

1. Having considered the Notice of motion application dated 30<sup>th</sup> September 2024 by the applicant through counsel together with the supporting affidavit and annexures thereto, the court observes that:
  1. The Respondents herein filed an appeal vide memorandum dated 26<sup>th</sup> July 2023 to appeal against Judgement dated 5<sup>th</sup> May 2023 in favour of the Applicant/Decree holder. Herein.
  2. That the court had directed that decretal sum be deposited in court as a condition to stay of execution.
  3. That pursuant to the above order, the Respondent complied by depositing Kshs, 1,600,000 in court.
  4. That the said appeal has since been dismissed on 1<sup>st</sup> July 2024 for failure to show cause after the Respondents failed to attend court and/ or prosecute the matter.
  5. That orders to that effect were issued by the Deputy Registrar on 2<sup>nd</sup> August 2024.



6. That this court therefore grants the Applicant's prayer that the decretal sum of Kshs. 1,600,000 deposited by the Respondents as security be released to the Applicant/ Decree holder forthwith in the manner and as prayed in this application.

**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 No Appearance

For Respondent No Appearance

Court Assistant Martin

