



**Oile v Momentum Credit Limited & another (Commercial Appeal E236 of 2022)  
[2024] KEHC 15343 (KLR) (Commercial and Tax) (21 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15343 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)  
COMMERCIAL AND TAX  
COMMERCIAL APPEAL E236 OF 2022  
NW SIFUNA, J  
NOVEMBER 21, 2024**

**BETWEEN**

**EUNICE BELLA AKINI OILE ..... APPELLANT**

**AND**

**MOMENTUM CREDIT LIMITED ..... 1<sup>ST</sup> RESPONDENT**

**ROBERT WAWERU MAINA T/A ANTIQUE AUCTIONS**

**AGENCIES ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. This Ruling is on the Appellant’s Application dated 26<sup>th</sup> August 2024. The Application seeks the release to the Appellant, of Motor Vehicle Reg No. KBT 342X Mercedes Benz.
2. The main ground of the Application is that the said vehicle was on instructions from the 1<sup>st</sup> Respondent Momentum Credit Ltd attached by Antique Auctioneers and stored at Easy Yard a private yard.
3. The Application further stated that even after the Appellant had fully paid the decretal sum, the Respondents have refused to release the vehicle to her.
4. Upon considering the facts of this case, the submissions by the parties, and the interest of justice, the Application is found to have merit, and is consequently hereby allowed; in terms that Easy Yard management is hereby ordered to forthwith release the said vehicle to the Appellant and file its Bill of Storage Charges for assessment by this Court. Thereafter the amount found by the Court to be due, shall be claimed as a civil debt against the Appellant.



5. This Court having on 13<sup>th</sup> November 2024 ordered the release of the said vehicle, no storage charges should be charged from that date as any further detention of the said vehicle was against the said order hence an illegality and in contempt of the court.
6. Although the Application has been successful, each party shall bear its costs of it.

**DATED AND DELIVERED AT NAIROBI ON THIS 21<sup>ST</sup> DAY OF NOVEMBER 2024.**

**PROF (DR) NIXON SIFUNA**

**JUDGE**

