



REPUBLIC OF KENYA



Shivali Investments Limited & 3 others v Maganlal Motichand Chandaria & 8 others (Civil Suit 560 of 2005) [2024] KEHC 13671 (KLR) (Commercial and Tax) (7 November 2024) (Ruling)

Neutral citation: [2024] KEHC 13671 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)
COMMERCIAL AND TAX
CIVIL SUIT 560 OF 2005
A MABEYA, J
NOVEMBER 7, 2024**

BETWEEN

**SHIVALI INVESTMENTS LIMITED 1ST PLAINTIFF
NAVAL HOLDINGS LIMITED 2ND PLAINTIFF
KETTY INVESTMENTS LIMITED 3RD PLAINTIFF
SAAF HOLDINGS LIMITED 4TH PLAINTIFF**

AND

**MAGANLAL MOTICHAND CHANDARIA 1ST DEFENDANT
NISHA DINESH CHANDARIA W/O DINESH MAGANLAL CHANDARIA
(BEING SUED AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF
THE LATE DINESH MAGANLAL CHANDARIA 2ND DEFENDANT
MAHESH MAGANLAL CHANDARIA 3RD DEFENDANT
CONIFERS TRADING LIMITED 4TH DEFENDANT
CHANDARIA HOLDING LIMITED 5TH DEFENDANT
DIMA LIMITED 6TH DEFENDANT
GOLDERA LIMITED 7TH DEFENDANT
KEVIS INVESTMENTS LIMITED 8TH DEFENDANT
GUARDIAN BANK LIMITED 9TH DEFENDANT**



RULING

1. On 17/2/2023, this Court delivered the judgment in this matter. The same has been appealed against and the appeal is pending before the Court of Appeal.
2. On 14/10/2024, the matter came up before me and the record is as follows: -

Mr. Kimutai

We have 2 reference applications dated 11/3/2024 & 14/3/2024.

Signed

Mr. Ouma

There is a stay by the Court of Appeal. We are ready to proceed.

Signed

Court

Let the Court of Appeal decision be placed on the file. Mention on 16/10/2024 for further directions. Any responses be filed by them.

Signed.”

3. When the matter came up for mention on 16/10/2024, there were no representations and the Court directed that it will give a ruling on directions today.
4. I have considered the record. This is one of the files that had been referred to the 2024 High Court Rapid Response Initiative (RRI). The matter was placed before the RRI Judge, Rutto J on 8/10/2024 for highlighting of submissions.
5. However, on that date, the parties made various representations before the Judge. One party wanted to proceed with the two pending references, while the other wanted the matter to be placed before me for interpretation of the judgment. Rutto J referred the matter to me to give directions on how the applications should be dealt with.
6. However, when Mr. Kimutai and Mr. Ouma, Learned Counsels for the parties appeared before me on 14/10/2024, they did not inform the Court properly what directions they needed. They stated that they were ready to proceed only for Mr. Ouma to indicate that the Court of Appeal had ordered a stay of execution of the judgment. The Court directed that the ruling of the Court of Appeal be placed on record.
7. I have considered the record and now make the following directions: -
 - a. If it is the hearing of the references, that would be a step in execution of the judgment which has been stayed by the Court of Appeal.
 - b. If, however, there are aspects of the judgment that require clarification, that is an issue which is still within the jurisdiction of this Court. However, the parties must indicate which parties of the judgment that is unclear and requires clarification. Let the parties guide the Court accordingly.

It is so ordered.



DATED AND DELIVERED AT NAIROBI THIS 7TH DAY OF NOVEMBER, 2024.

A. MABEYA, FCI Arb

JUDGE

