



**Gacheru v Chege (Civil Appeal E095 of 2021)
[2024] KEHC 15179 (KLR) (2 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 15179 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL APPEAL E095 OF 2021
DO CHEPKWONY, J
DECEMBER 2, 2024**

BETWEEN

PETER KIBUNYI GACHERU APPELLANT

AND

JOSEPH KIARIE CHEGE RESPONDENT

RULING

1. This matter is scheduled for interparties hearing of a Notice of Motion application dated 30th October, 2024. The Applicant is seeking for orders to issue:-
 - a. That this Honourable Court be pleased to order the release of the decretal sum of Kshs.500,000.00 deposited in Kenya Commercial Bank, Salama House – Kiambu Law Court Account to the Firm of M/S Shem Kebongo & Company Advocates.
 - b. That this Honourable Court do issue an order for the release of accrued interest on the sum deposited to the Firm of Shem Kebongo & Company Advocates.
 - c. That this Honourable Court do issue an order directing the Bank Manager and all persons of authority concerned in Kenya Commercial bank, Salama House including all persons of authority authorised to execute documents at Kiambu Law Courts and Kenya Commercial Bank to exercise all necessary documents required to enable the release of Kshs.500,000.00 and accrued interest to the Firm of Shem Kebongo & Company Advocates.
 - d. That the costs of this application be provided for.
2. The application is supported by the grounds set out on its face and Supporting Affidavit sworn by Peter Kabunyi Gacheru, the gist of it being that vide a Judgment delivered on 28th February, 2023, the appeal partially succeeded and the decretal sum received in the Judiciary Account.



3. There is no response filed by the Appellant/Respondent. There is also no appearance by the Defendant and or counsel despite having been served with the application and directions issued therein, as evidenced by the Affidavit of Service filed to confirm this. This being the case, this Court finds the said application unchallenged and proceeds to allow the same as follows:-
- a. The decretal sum of Kshs.500,000.00 deposited in Kenya Commercial Bank, Salama House, Kiambu Law Courts Account be released to the Firm of M/S Shem Kebongo & Company Advocates.
 - b. The accrued interest on the sum deposited from the date of deposit to the Firm of Shem Kebongo & Company Advocates.
 - c. The bank Manager and or Branch Manager and all persons of authority concerned in Kenya Commercial Bank, Salama House including all persons of authority authorised to execute the documents at Kiambu Law Courts and Kenya Commercial Bank to exercise all necessary documents required to enable the release of Kshs.500,000.00 and accrued interest to the Firm of Shem Kebongo Advocates.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 2ND DAY OF DECEMBER, 2024.

D. O. CHEPKWONY

JUDGE

In the presence of:

No appearance by counsel for Appellant/Respondent

M/S Gathoni counsel for Respondent

Court Assistant - Martin

