



**IN THE HIGH COURT OF KENYA**

**MILIMANI LAW COURTS**

**COMMERCIAL AND TAX DIVISION**

**CORAM: D. S. MAJANJA J.**

**MISC. CIVIL APPLICATION NO. E301 OF 2019**

**BETWEEN**

**RACHUONYO & RACHUONYO ADVOCATES ..... ADVOCATE/APPLICANT**

**AND**

**NATIONAL BANK OF KENYA LIMITED ..... CLIENT/RESPONDENT**

**RULING NO. 2**

1. At the hearing of the Notice of Motion dated 19<sup>th</sup> May 2021 seeking a stay of execution and proceedings following the decision of the Deputy Registrar dated 30<sup>th</sup> April 2020 certifying the costs due to the Respondent (“Advocates”) and duly affirmed by this court in the ruling dated 5<sup>th</sup> May 2021 dismissing the reference, the parties agreed to be bound by the ruling on a similar application filed in **HCOMM Misc. Appl. No. 146 of 2019** between the same parties.

2. For the reasons set out in **HCOMM Misc. Appl. No. 300 of 2019**, the fact that it is the quantum of fees that is disputed, I now order as follows:

**(a) There shall be a stay of further proceedings pending the hearing and determination of the intended appeal from the ruling dated 5<sup>th</sup> May 2021 on the terms set out hereafter.**

**(b) The Applicant/Client shall pay the Advocates/Respondent KES. 1,000,000.00 and provide a bank guarantee for the sum of KES 3,000,000.00 from a reputable bank other than the Applicant to be agreed upon by the parties within 45 days from the date hereof.**

**(c) The stay of execution shall remain in force for a period of one year from the date hereof unless otherwise extended by this court or the Court of Appeal.**

**(d) In default of any condition of this order, the order of stay shall stand discharged.**

**(e) The costs of this application shall be in the appeal.**

**DATED and DELIVERED at NAIROBI this 8<sup>th</sup> day of JUNE 2021.**

**D. S. MAJANJA**

**JUDGE**

Court Assistant: Mr M. Onyango

Mr Amuga instructed by Amuga and Company Advocates for the Advocates/Applicant.

Mr Juma instructed by Mutua-Waweru and Company Advocates for the Client/Respondent.