

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CIVIL MISC. APPL. NO. 2 OF 2017

FIONA A. BADIA T/A BADIA & ADVOCATES....APPLICANT/ADVOCATE/ 2ND RESPONDENT

-VERSUS-

AGUSTINO ONANDA.....1ST RESPONDENT

VALLEY AUCTIONEERS.....1ST INTERESTED PARTY/RESPONDENT

VIGINIA N. NGARI.....2ND INTERESTED PARTY/OBJECTOR

RULING

- 1) Fiona Badia P/A F. A. Badia & Co. Advocates, the applicant herein, issued a notice to show cause against Agustino Onanda, the respondent herein seeking to have an explanation as why he should not be arrested and committed to civil jail in execution of the decree.
- 2) The respondent claimed he was not served by the applicant save that he was notified by the judiciary. He pointed out that he had agreed with applicant that her fees would be kshs.40,000/= but the applicant is now demanding more than ksh.200,000/=.
- 3) The record shows that the relevant notice to show cause is the one dated 16th July 2021 in which the applicant seeks to be paid ksh.24,273/= by the respondent. It is clear that the notice was served upon the respondent. The respondent, in my view, has not given a plausible explanation why he should not settle the decretal sum due to the applicant.
- 4) Consequently, I grant an order issuing a warrant of arrest against the respondent to be apprehended and presented before the Deputy Registrar of this court for committal to civil jail unless he settles the decretal sum due to the applicant.

DATED, SIGNED AND DELIVERED VIA MICROSOFT TEAMS AT NAIROBI THIS 8TH DAY OF OCTOBER, 2021.

.....

J. K. SERGON

JUDGE

In the presence of:

..... for the Applicant

..... for the Respondent