



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
CIVIL SUIT NO. 171 OF 1998

LUKE WAGANA. 1ST PLAINTIFF
GODREY MAINA MWANGI. 2ND PLAINTIFF
FATER KIAGO MWANGI. 3RD PLAINTIFF
JAMES WANGUO KANYI. 4TH PLAINTIFF
NGURE MWANGI. 5TH PLAINTIFF

VERSUS

JOHN CIIRA.DEFENDANT/APPLICANT
EQUITY BANK LIMITED. INTERESTED PARTY

RULING

The application before the court is the Chamber Summons dated 16th October, 2012. It sought first for the order that the Court Orders Equity Bank Limited, Kiriaini Branch to release funds held in Bank Account Number **0050101514744** and also at Co-operative Branch Account Number **0020100011371** to the Applicant herein. Secondly, it sought accrued interest on the said funds from the Bank.

Further, taxation of costs had been completed and this court had sought a confirmation of the same so that the same would be ordered payable from the partnership funds aforesaid before the balance of the said partnership funds would be divided equally between partners or in accordance with each partners share.

The court has confirmed that the taxed costs payable to the Applicant herein, as ascertained by the Deputy Registrar by the order of this court is shown to be Ksh.402,905/-

The court accordingly make the following final orders based on the Judgment of this court by Mwera, J dated 10th October, 2011.

ORDERS

- 1. The Manager of Equity Bank Limited of Co-operative Branch in respect of the said Branch**

Account Number 0020100011371 and Kiriaini Branch, in respect to the Branch Account Number 005010151744 are hereby ordered to release the funds therefrom, together with accrued interest to date, to the Applicant Advocate T. T. M. Aswan, within 15 days.

2. Mr. T. T. M. Aswan shall divide the said funds as follows: -

- i. Deduct Ksh.402,905/- as taxed costs.**
- ii. Divide the balance as per the judgment of this court among partners as per each partner's share or equally, as the case will be.**

3. Costs of this application shall be borne by all the parties herein.

Dated and delivered at Nairobi this 2nd day of July, 2015.

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D A ONYANCHA

JUDGE