



**Britam General Insurance (K) Limited v Odinga & another (Civil Appeal
E305 of 2022) [2025] KEHC 13394 (KLR) (Civ) (30 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13394 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CIVIL
CIVIL APPEAL E305 OF 2022**

**AC MRIMA, J
SEPTEMBER 30, 2025**

BETWEEN

BRITAM GENERAL INSURANCE (K) LIMITED APPELLANT

AND

GEORGE OTIENO ODINGA 1ST RESPONDENT

INSURANCE REGULATORY AUTHORITY 2ND RESPONDENT

RULING

1. This is yet another consolidated ruling in respect of three Notices of Motion dated 29th April 2025, 9th May 2025 and 5th May 2025 respectively. The Notices of Motion dated 29th April 2025 and 9th May 2025 were taken out by the Appellant whereas the one dated 5th May 2025 was filed by the 1st Respondent herein.
2. The Notice of Motion dated 29th April 2025 sought to stay execution of the judgment rendered on 26th June 2024 pending the determination of an appeal lodged by the Applicant to the Court of Appeal against the ruling of this Court delivered on 24th day of April, 2025 wherein this Court found inter alia that the firm of G&G LLP Advocates was improperly on record and that the law did not provide for an appeal from this Court to the Court of Appeal. The Notice of Motion dated 9th May 2025 is also a further attempt by the Appellant to stay the warrants of attachment and sale issued in execution of the judgment of this Court. Conversely, the Notice of Motion dated 5th May 2025 was filed by the 1st Respondent who is the Decree- holder and sought the release of funds held in a Bank Guarantee dated 29th May 2023 in partial satisfaction of the decree. It also sought a further order that out of the sum of Kshs. 5,000,000/= deposited in this Court as additional deposit, the sum of Kshs. 3,448,087/= be released to the 1st Respondent's Advocates in satisfaction of the decree.



3. The prevailing position in this matter is that the ruling dated 24th day of April, 2025 still stands and there is no order either staying or in any manner whatsoever varying the findings therein. This Court still and firmly stands by the said ruling. As such, any attempt to stay the execution of the decree by the firm of G&G LLP Advocates suffers a false start more so given that the said firm has not even regularized its participation in this matter. Further, this Court affirms the position that under Rule 22(1) of the Insurance (Insurance Appeals Tribunal) Rules, no appeal lies to the Court of Appeal against the decision of this Court. Therefore, despite the dispositions and submissions filed by the Appellant, and which this Court has patiently considered, the applications dated 29th April 2025 and 9th May 2025 cannot stand on the way of the execution of the decree.
4. On the other hand, since the 1st Respondent is entitled to the fruits of his judgment, the sums secured under the Bank Guarantee dated 29th May 2023 by the NCBA Bank ought to be forthwith released as well as the sum of Kshs. 3,448,087/= and/or any other sums found due by this Court to the 1st Respondent's Advocates out of the sum of Kshs. 5,000,000/= deposited in Court as further security.
5. Having so said, it is this Court's hope that this litigation which began in early 2022 shall come to an end. Parties must admit that they have now come to the end of the road and that, in this appeal, there is no avenue to the Court of Appeal.
6. Further, with a view to avoid subsequent litigation, this Court hereby assesses the costs of the two applications filed by the Appellant, which no doubt are unsuccessful, at Kshs. 50,000/= and shall also make orders towards the full execution of the decree.
7. In the end, the following final orders hereby issue: -
 - a. The Notice of Motion dated 29th April 2025 and the Notice of Motion 9th May 2025 are hereby dismissed with costs cumulatively assessed at Kshs. 50,000/=.
 - b. The NCBA Bank shall forthwith release the sums held under the Bank Guarantee dated 29th May 2023 to George Otieno Odinga, the 1st Respondent in this matter.
 - c. The sum of Kshs. 5,000,000/= deposited in this Court shall be released as follows: -
 - (i) The sum of Kshs. Kshs. 3,498,087/= to Kamotho Njomo & Company Advocates.
 - (ii) The balance thereof be released to the depositor as long as there is no any other claim on it.

Orders accordingly.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 30TH DAY OF SEPTEMBER, 2025.

A. C. MRIMA

JUDGE

Ruling virtually delivered in the presence of:

Ms Nganga, Learned Counsel for the Appellant/Respondent.

Mr. Manjama, Learned Counsel for the 1st Respondent.

Michael/Amina – Court Assistants.

