



REPUBLIC OF KENYA



**KENYA LAW**  
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**Kioni v Standard Media Group Ltd & 11 others (Civil Case 100 of 2013)  
[2025] KEHC 13738 (KLR) (Civ) (30 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13738 (KLR)

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

**CIVIL**

**CIVIL CASE 100 OF 2013**

**NW SIFUNA, J**

**SEPTEMBER 30, 2025**

**BETWEEN**

**JEREMIAH NG'AYU KIONI ..... DECREE HOLDER**

**AND**

**STANDARD MEDIA GROUP LTD ..... 1<sup>ST</sup> JUDGMENT DEBTOR**

**JUMA KWAYERA ..... 2<sup>ND</sup> JUDGMENT DEBTOR**

**RADIO AFRICA GROUP ..... 3<sup>RD</sup> JUDGMENT DEBTOR**

**MAINA KAGENI ..... 4<sup>TH</sup> JUDGMENT DEBTOR**

**DANIEL NDAMBUKI ..... 5<sup>TH</sup> JUDGMENT DEBTOR**

**ROYAL MEDIA SERVICES LTD ..... 6<sup>TH</sup> JUDGMENT DEBTOR**

**SWALEH MDOE ..... 7<sup>TH</sup> JUDGMENT DEBTOR**

**MEDIAMAX NETWORK LTD ..... 8<sup>TH</sup> JUDGMENT DEBTOR**

**ALPHONCE OLADIPO ..... 9<sup>TH</sup> JUDGMENT DEBTOR**

**BUNI LTD ..... 10<sup>TH</sup> JUDGMENT DEBTOR**

**NATION MEDIA GROUP ..... 11<sup>TH</sup> JUDGMENT DEBTOR**

**MOSES NGURE ..... 12<sup>TH</sup> JUDGMENT DEBTOR**



## RULING

1. This ruling is on the Application dated 2<sup>nd</sup> April 2024. By it, the Judgment-Debtor has sought to set aside the Warrants of Attachment and Sale, as well as the consequent Proclamation dated 26th March 2025.
2. The ordinary order is that Judgment-Creditor should first tax his costs (Party and Party costs) before he can embark on execution. The proviso to that however, is provided in Section 94 of the *Civil Procedure Act* (Cap 21 Laws of Kenya). That a decree-holder desiring to execute the decree before costs are ascertained (before taxation), must first seek the leave of Court.
3. This route is an exception rather than the norm, and the Court will before granting such leave, have to be satisfied that there exist exceptional circumstances or good cause. The leave must be specifically sought by a formal Application, and specifically granted. Leave can neither be dispensed with, presumed nor inferred. There has to be a specific order granting the leave in clear terms.
4. In the case of this suit, the Decree-holder has embarked on executing the decree before costs are ascertained and without taxation of a bill of costs. This is against the norm. It is irregular, amounts to extra-judicial execution of a decree.
5. Having found that the execution is improper, the warrants of attachment herein are for setting aside. I hereby set them aside and lift the proclamation. Having done so, I see no need in determining the second limb of the Application; which is on whether the Decree herein is more than a year old.
6. As costs follow the event, the Decree-Holder shall bear the costs of this Application, as well as the auctioneer's charges.

**DATED AND DELIVERED AT NAIROBI ON THIS 30<sup>TH</sup> DAY OF SEPTEMBER 2025.**

**PROF (DR) NIXON SIFUNA**

**JUDGE**

