



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAKURU**  
**CIVIL APPEAL No. E113 OF 2025**

**GOLDEN CARA INVESTMENTS LIMITED AND  
MOHAMED FARAH ABDI & ANOTHER .....  
APPELLANT**

**- VERSUS -**

**GRACE VENTURES LIMITED .....RESPONDENT**

**RULING**

1. On the 18<sup>th</sup> of September, 2025 the Appellants' Counsel **Mr. Isaac Rene** informed the Court that the Appellants filed a Notice of Withdrawal of Appeal on the 27<sup>th</sup> May, 2025 and that the Court should allow the same with no orders as to costs.
2. **Mrs. Mukira** for the Respondent conceded to the Appeal being marked as withdrawn but agitated for costs. She informed the Court that the Appeal is opposed and that she had on behalf of the Respondent filed a detailed affidavit on the 26<sup>th</sup> August, 2025.
3. The Court adjourned to confirm the position from the CTS owing to the paperless strategy and I have so far perused the e-file.

4. This Court confirms that the Respondent never entered appearance let alone file any affidavit.
5. The Court takes a dim view of advocates who misled the Court on factual details.
6. I have no hesitation to allow the withdrawal of the appeal with no costs.

It is so ordered.

**Signed, Dated and Delivered at Nakuru  
on this 7<sup>th</sup> Day of October 2025.**

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**Mohochi S.M  
JUDGE**

**In the presence of:**

Court Assistant – Schola

Isaac Rene for Appellants

Mr. Oyondi holding brief for Mukira