



**Stanbic Bank Limited v House of Diaspora Limited (Civil Appeal
E1217 of 2023) [2025] KEHC 14253 (KLR) (Civ) (2 October 2025) (Judgment)**

Neutral citation: [2025] KEHC 14253 (KLR)

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

CIVIL

CIVIL APPEAL E1217 OF 2023

LP KASSAN, J

OCTOBER 2, 2025

BETWEEN

STANBIC BANK LIMITED APPELLANT

AND

HOUSE OF DIASPORA LIMITED RESPONDENT

(An appeal against the decision of Honourable Wamae dated the 12 October 2023)

JUDGMENT

1. This is an appeal against the decision of Honourable Wamae dated the 12 October 2023 in which the Respondent was awarded damages pleaded. The brief of this matter is that the Appellant being a bank debited the Respondent account wrongly and after realizing the mistake, it credited the amount before Judgement. I have read the proceedings and wish to note the following;
2. The records clearly show that the Appellant debited the Respondent's account on or around February 2023 and upon deliberations of the parties and filing of the Lower Court Suit, the Appellant agreed to refund the amount debited on the 7th day of July 2023 after around five months.
3. This Court finds that the Appellant debited the Respondent account wrongly as it is admitted by both parties. Since the money has already been credited to the Respondent's account, the lower court ought to have restricted itself to general damages within the five months when the Respondent money was wrongly with the Appellant and not the principle amount. There is no clear prove on how the Respondent would have grown the wrongly debited amount. Secondly, by wrongly debiting the Respondent account, the Appellant acted unprofessionally and so the Respondent is entitled to punitive damages.



4. The conclusion of the above is that the Lower Court Judgement is set aside and replaced with the following;
 - a. Interest at Court rates of ksh 350534.29 for five months being the period in which the money was wrongly withheld by the Appellant
 - b. Punitive costs assessed at ksh 10000
 - c. Each party to bear own costs

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 2ND DAY OF OCTOBER 2025

L. P. KASSAN

JUDGE

