

as security pending hearing and determination of the appeal being Kshs. 528,136 and the appeal be filed within 60 days from date of the ruling.

4. On 29/08/2024, the appeal was dismissed for failure by the appellants to file the appeal, by way of a record of appeal. By the instant **application dated 17/09/2025**, the Respondent seeks an order for release of the money deposited in court in the sum of Kshs. 376,831 to the Respondent through his advocates Ombuna Ongeru & Co. Advocates. There being no appeal on record and/or pending hearing and determination, the motion is allowed interms of prayer No. 1 only.

Orders accordingly.

Delivered on Virtually this 10th day of November 2025.

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JANET MULWA.
JUDGE