

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT VOI

CIVIL APPEAL NO. E064 OF 2025

PETER GITHA

KAMAU.....APPELLANT/APPLICANT

=VERSUS=

MAGDALINER TABUTANY KELWON AND

ELIJAH KELWON CHEBURET (Suing as the Administrators

of the Estate of the Late ELIJAH KELWON

CHEBURET.....1ST RESPONDENT

CHOGA CHINDORO.....2ND

RESPONDENT

JOSHUA MATHENGE.....3RD

RESPONDENT

EAST AFRICAN INSTITUTE OF AFRICAN STUDIES.....4TH

RESPONDENT

EAST NCBA BANK KENYA PLC.....5TH

RESPONDENT

JOSEPH MUIRI KARIUKI.....6TH

RESPONDENT

RULING

1. The Applicants/Objectors filed the application dated 21st November 2025 under certificate of urgency seeking stay of execution and further execution of the decree in Voi CMCC No. E249 of 2022 and stay of release of the proceeds of the unlawful sale of the Applicant/Appellant's PSV motor vehicle registration KCY 289C pending the hearing of the application and intended appeal.
2. The court certified the application dated 21st November 2025 urgent and gave this date (2nd December 2025) for inter partes hearing.
3. The 1st Respondent filed Grounds of Opposition (GOO) dated 28th November 2025 stating that the motor vehicle was sold on 18th November 2025 when there was no order of stay of execution.
4. The Applicant/Appellant has stated in the Supporting Affidavit that as at 21st November 2025, he was the lawful

registered proprietor of motor vehicle registration KCY 289C according to records at NTSA whom do I believe?

5. I find that this appeal raises weighty issues which require ventilation by way of conversing the application urgently.
6. I direct that the Applicant files the supporting affidavit and submissions within 3 days of this date.
7. Thereafter, the 1st Respondent also to file their written submissions within 3 days.
8. Mention on 9th December 2025 for a Ruling date.
9. In the meantime prayer 4 of the application dated 21st November 2025 is granted pending inter partes hearing.

Dated, signed and delivered this 2nd day of December 2025 in open court at Voi High Court.

**ASENATH ONGERI
JUDGE**

In the presence of:-

Court Assistant: Mabishi/Millicent

Mr. Kinyanjui for the Appellant

Mr. Arusei for the 1st Respondent

ORIGINAL