

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA NAIROBI**  
**CIVIL APPELLATE DIVISION**  
**HCCA 374 OF 2019**

**AGNES WANGARI WAINAINA & PAUL KIARIE (Suing as the  
Legal Representatives of John Wainaina).....  
APPLICANT**

**VERSUS**

**DAVID SHIKHOMELA .....1<sup>ST</sup>  
RESPONDENT**

**MULTIPLE HAULIERS E. A. LIMITED .....2<sup>ND</sup>  
RESPONDENT**

**RULING**

1. This is an Application to arrest an impending ruling and stay proceedings of a matter of a company which is in insolvency. I have read all relevant documents most importantly is a Ruling by Justice Mabeya staying all actions against the 2<sup>nd</sup> Respondent.
  
2. The orders by Justice Mabeya are very clear, they did not specify any action to be stayed but the stay was for "all actions". The process of taxation is an action against Multiple Hauliers which is insolvent. By proceeding with

taxation, this Court will be going against the order issued by a Court with a concurrent jurisdiction.

3. Consequently, I allow the application dated the 30<sup>th</sup> day of June 2025.
4. Each party shall bear own costs.

**DATED, DELIVERED VIRTUALLY AND SIGNED ON THIS 2<sup>ND</sup> DAY OF DECEMBER 2025.**

**HON L P KASSAN  
JUDGE**

**In the presence of;**

No appearance for Applicant

Nduku for Respondent

Carol - Court Assistant

**Mention 23/2/2026.**

**HON L P KASSAN  
JUDGE**