

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
IN THE CIVIL APPELLATE DIVISION
[Coram: A.C. Mrima, J.]
CIVIL APPEAL NO. E1038 OF 2024

-between-

CITY HOPPER COMPANY
LIMITED.....APPLICANT/APPELLANT

-versus-

1. FELISTAS WAMAITHA
2. KAMAU STEPHENRESPONDENTS

RULING

1. This ruling is in respect of the Applicant’s Notice of Motion dated 12th August 2025 which seeks the release of funds held as security in a joint account in the Advocates names pending the determination of the appeal. The appeal was disposed of by a judgment of this Court delivered on 31st July 2025 where the judgment of the trial Court against the Applicant was set-aside.
2. In response to the application, the Respondents contended that since they lodged an appeal to the Court of Appeal by filing the requisite Notice of Appeal, then the funds held as security ought to await the outcome of the said appeal.
3. Having carefully considered the application and since the pendency of the appeal before the Court of Appeal is not impugned, then the best way forward is to await for the determination of the appeal before the fate of the funds held as security is determined.
4. To that end, the following orders do hereby issue: -

[a] The Notice of Motion dated 12th August 2025 is hereby dismissed with no orders as to costs. The fate of the funds held in the joint account as security shall await the determination of the appeal against the judgment of this Court lodged before the Court of Appeal.

[b] This file is hereby CLOSED.

Orders accordingly.

DELIVERED, DATED and SIGNED at NAIROBI this 13th day of February, 2026.

**A. C. MRIMA
JUDGE**

Ruling virtually delivered in the presence of:

Mr. Mwangi, Learned Counsel for the Applicant.

No appearance, Learned Counsel for the Respondent.

Michael/Amina - Court Assistants.