



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
CIVIL APPEAL 193 OF 2025

GOLDEN CARA INVESTMENTS LTD. ----- 1ST
APPELLANT
MOHAMED FARAH ABDI ----- 2ND
APPELLANT
MOHAMED ADAN BARE ----- 3RD
APPELLANT

VERSUS

GRACEN VENTURES LIMITED -----
RESPONDENT

RULING

1. By Notice of Motion dated 1/8/2025 the Applicants seek these reliefs;-

- 1. Spent.**
- 2. Spent.**
- 3. Pending the *inter partes* hearing and**

determination of this application and the appeal filed herewith, an Order be and is hereby issued staying the proceedings in Nakuru Magistrate's Court Civil Suit No. 212 of 2017, Gracen Ventures v Golden Cara Investments Limited.

4. This Honourable Court be pleased to call for the original record of proceedings in Nakuru Magistrate's Court Civil Suit No. 212 of 2017, Gracen Ventures v Golden Cara Investments Limited in order to ascertain the legality, correctness and propriety of the Orders issued on 7th May, 2025 and for the determination of the Appeal filed herewith.

5. Leave be and is hereby granted to the Appellants to file the Appeal herewith, out of time.

6. This Honourable Court be pleased to set aside the Order issued on 7th May 2025 by the Magistrate Court in Nakuru Magistrate's Court Civil Suit No. 212 of 2017, Gracen Ventures vs Golden Cara Investments Limited.

7. Costs of this application be provided for.

2. By Affidavit in support of the Motion, a director of the 1st Applicant (Mohamed Adam Bare) complains about issuance of warrants of arrest against him and another director of the company pursuant to orders of the lower court.
3. The lower court is faulted for issuing the arrest orders without lifting of their company's corporate veil. It is further contended that no notice to show cause or contempt Application was before the court to warrant the impugned orders.
4. The delay to bring this Application is attributed to the Applicants only learning of the warrants of arrest on 30/7/2025.
5. A director of the Respondent swore an affidavit in reply. The Affidavit does not address the matters of stay of proceedings and/or the prayer for leave to appeal. Instead the affidavit generally impugns the Applicants' conduct in the prosecution of the matter before the lower court. The court is told that the lower court rightly issued warrants of arrest against the

Applicants.

6. The Applicants are seeking stay of execution pending Appeal and leave to appeal when an Appeal has already been filed being Nakuru High Court Civil Appeal Number E193 of 2025. I have indeed seen a Memorandum of Appeal dated 1/8/2025 which reinforces the fact that an Appeal has already been filed without leave. The proceedings are therefore defective and cannot be determined on merits.

7. The purported Appeal and Application dated 1/8/2025 are struck with costs for the defect.

J. M. NANG'EA, JUDGE.

Ruling delivered virtually this 16th day of February, 2026.

In the presence of:

Applicants' Advocate, Absent

**Respondent's Advocate, Mr. Mulamba for Ms Mukira
Court Assistant (Jeniffer)**

J. M. NANG'EA, JUDGE.