

**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KIAMBU**

**CIVIL APPEAL NO.E300 OF 2023**

**JOHN KARIUKI MWANGI .....1<sup>ST</sup> RESPONDENT/JUDGMENT DEBTOR  
ANNE MUTHITHI MBURU..... 2<sup>ND</sup> RESPONDENT/JUDGMENT DEBTOR**

**VERSUS**

**JOEL OCHIENG OLONDO .....APPLICANT/DECREE HOLDER**

*(Being an Appeal from the Judgment issued by the Honourable Magistrate, Joseph  
Were on 19<sup>th</sup> July, 2023)*

**RULING**

1. The matter is for interparties hearing of the **Notice of Motion** application dated 8<sup>th</sup> February, 2026 in which the Applicant is seeking for orders that:-
  - a) *That the total sum of Kenya Shillings Three Million and Five Hundred and Forty Thousand and Five Hundred and Thirty Nine (Kshs.3,540,539.00) deposited in court by the Judgment Debtors as security pending determination of the instant appeal be released forthwith to Messrs. Edwin Omulama & Associates Advocates in their capacity as Advocates on record for the Decree-Holder.*
2. Upon listening to both counsel for parties, it is confirmed that both counsel for the parties herein have agreed and entered a Consent dated 12<sup>th</sup> February, 2026 which they seek be recorded and adopted as an order of this Court.

3. Therefore, the Consent Order dated 12<sup>th</sup> February, 2026 entered into by the counsel for the parties herein be and is hereby recorded and adopted as an order of this Court in the following terms:-

*a) That the total sum of Kenya Shillings Three Mullion Five Hundred and Forty Thousand and Five Hundred and Thirty Nine (Kshs.3,540,539.00) deposited in court by the Judgment Debtors as security pending determination of the instant appeal be released forthwith to Messrs. Edwin Omulama & Associates, Advocates in their capacity as Advocates on record for the Decree-Holder.*

*b) There shall be no order as to costs.*

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT  
KIAMBU THIS 19<sup>TH</sup> DAY OF FEBRUARY, 2026.**

**D. O. CHEPKWONY  
JUDGE**

In the presence of:

Mr. Omulama counsel for the Decree-Holder

M/S Kasime holding brief for Mr. Kioko counsel for the Judgment-Debtor

Court Assistant – Martin/Sakina