

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL DIVISION
MISCELLANEOUS CIVIL APPLICATION NO. E596 OF 2022

EMIRATES SKY CARGO.....
APPLICANT

=VERSUS=

PARAGON ELECTRONICS LTD.....
.....RESPONDENT

RULING

1. This Ruling is on the Application by PARAGON ELECTRONICS LTD the Respondent in this Miscellaneous Cause. The Application is a Notice of Motion dated 13th October 2025. By which the PARAGON ELECTRONICS LTD has sought the release to it, of the sum Kenya Shillings Two Million; that the Applicant EMIRATES SKY CARGO, deposited in this Court as security for a stay in NAIROBI CMCC NO. 995 OF 2011. The Application is unopposed, as no response was filed against it.
2. The stay which was issued in this Miscellaneous Cause, was for a stay of execution in that suit, pending an Appeal from the judgement in the said suit. Where the PARAGON ELECTRONICS LTD Respondent herein is the Decree-Holder and the EMIRATES SKY CARGO is the Judgement-Debtor.
3. The Application is mainly based on the ground that an Application for extension of time for lodging the said

intended Appeal, was dismissed by this Court on 22nd May 2025.

Determination

4. As there is no Appeal filed against the said judgment and decree of the lower court for which the stay was granted, the stay order is now otiose. There is therefore no reason why that the sum said of Kenya Shillings Two Million that was deposited in this Court as a condition for the said stay, should continue being held by this Court.
5. I agree with the PARAGON ELECTRONICS LTD the Decree-Holder, that the said sum be paid to it. The same having been deposited as security for the due performance of the decree. By dint of Order 42 Rule 6 (2) of the Civil Procedure Rules.
6. For those reasons, this Application is meritorious. Hence it is hereby allowed with costs. Consequently, the said sum of Kenya Shillings Two Million, deposited in this Court by EMIRATES SKY CARGO LTD as security for that stay, be forthwith released to PARAGON ELECTRONICS LTD for its decree in NAIROBI CMCC NO. 995 of 2011 where it is the Decree-Holder.

DATED and DELIVERED at NAIROBI on this 3rd day of March 2026.

**PROF (DR) NIXON SIFUNA
JUDGE**

