



Coast Bus (Mombasa) Limited & another v Chepkoech (Suing as a personal representative and/or administrator of the Estate of Kiplangat Koech Willy - Deceased) (Civil Appeal E042 of 2024) [2026] KEHC 3154 (KLR) (10 March 2026) (Ruling)

Neutral citation: [2026] KEHC 3154 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CIVIL APPEAL E042 OF 2024
JK SERGON, J
MARCH 10, 2026**

BETWEEN

COAST BUS (MOMBASA) LIMITED 1ST APPLICANT

PHILIP ARAKA 2ND APPLICANT

AND

**EMMY CHEPKOECH (SUING AS A PERSONAL REPRESENTATIVE AND/
OR ADMINISTRATOR OF THE ESTATE OF KIPLANGAT KOECH WILLY -
DECEASED) RESPONDENT**

RULING

1. Emmy Chepkoech, the Respondent/Applicant took the motion dated 2nd October, 2025 and sought for inter alia:-
 - (i) That this Honourable Court be pleased to compel the Applicants to honour and observe the terms of the Consent dated 8th April, 2025 by paying the remaining decretal sum of Kshs.897,817/= (Kenya Shillings Eight Hundred and Ninety Seven Thousand, Eight Hundred and Seventeen Shillings) to the Applicant or in the alternative, they do present that Motor Vehicle Registration No. KCU 060L to the Kericho Law Courts forthwith.
 - (ii) That in default of compliance of Order 1 above, this Honourable Court be pleased to find the Appellants' Administration Manager, one Mwanaamina Abdalla, in Contempt of Court and do proceed to commit her to Civil Jail for a period of six (6) months.
 - (iii) That This Court does issue any other reliefs and orders that it deems fit, just and expedient in the circumstances for litigation to come to an end in this matter.
 - (iv) That the Appellants to bear the costs of this Application.



2. The Applicant filed an Affidavit she swore in support of the motion. When served, the Appellant filed the Replying Affidavit sworn by Adil Hayath Mohamed Jaz Mirza to oppose the motion.
3. I have considered the grounds set out on the face of the motion and the facts deponed in the rival affidavits. It is the submissions of the Respondent/Applicant that the appellants begun honouring the terms of the consent dated 5th April, 2025 but with a lot of difficulties. It stated that by the month of July, 2025, the Appellants stopped honouring the terms of the consent. In other, the Appellants stopped paying the decretal sum in instalments as agreed.
4. It is pointed by the Respondent that as of now, the amount owing and outstanding is Kshs.897,817/= . The Respondent/Applicant pointed out that it is a direct term of the consent that should there be any default, then the Appellants would within (3) days present Motor Vehicle Registration No. KCU 060L to Kericho Law Courts to hold it until the entire decretal sum is fully paid.
5. The Applicant urged this Court to intervene pursuant to the provisions of Order 25 rule 5 (2) of the Civil Procedure Rules. She also urged this Court to order the appellants to pay the entire decretal sum in line with the consent entered between the parties or in the alternative to present to Court the aforesaid Motor Vehicle and in default, the Administration Manager of the appellants one Mwanaamina Abdalla be found to be in contempt of Court and be placed in Civil Jail for a period of six (6) months.
6. In response, the Appellants/Respondents stated that Mwana Amina Abdalla is neither the 1st Respondent's Administration Manager nor is she one of Directors of the 1st Appellant. It is also pointed out that she is not a party to the suit and therefore she cannot be cited for contempt of Court.
7. The Appellants also stated that Motor Vehicle Registration No.KCU 060L is registered in the name of the 1st Appellant, a Limited Liability Company and unless the Corporate veil is left, Mwana Amina Abdalla cannot be cited for contempt.
8. After considering the rival arguments, it is clear that the Appellants do not deny having executed a consent with the Respondent. It is a term of the consent the parties entered that the Appellants were to pay by monthly instalments of the decretal.
9. It is also a term of the consent that the Appellants' Motor Vehicle Registration No. KCU 060L was released on a running attachment and in the event of default of payment of any one instalment, the Appellants shall within three (3) days of the default present the Motor Vehicle to Kericho Law Courts.
10. The Appellants have not denied that they have not paid the agree instalments since the month of July, 2025. This court has been beseeched to issue the following Orders:-
 - a. An Order compelling the Appellants to settle the outstanding decretal sum of Kshs.897,817/=.
 - b. I the alternative, an order directing the Appellants to present to Court Motor Vehicle Registration No. KCU 060L to Kericho Law Courts.
 - c. In default, an Order finding one Mwana Amina Abdalla in contempt of Court and proceed to sentence her to serve six (6) months in Civil Jail.
11. This Court finds no difficult in granting the first two prayers. However, the third prayer poses some difficult. The Respondent is seeking to have one Mwana Amina Abdalla to be cited for contempt. The Appellants have pointed out that she is neither a Director nor an Administration Manager of the 1st Appellant. The Respondent did not deem it fit to controvert the assertion nor prove otherwise. I therefore decline to grant the order seeking to cite Mwana Amina Abdalla for contempt of Court.



12. I am satisfied that the Respondent has been able to show that the Appellants have breached the consent order the parties executed dated 18th April, 2025. The appellants failed to honour the agreed monthly instalment. They also failed upon default to deliver Motor Vehicle Registration No. KCU 060L to Court within 3 days.
13. I am convinced the Respondent is entitled to the Orders to enforce the Consent Orders. Consequently, the Motion dated 2nd October, 2025 is allowed giving rise to issuance of the following Orders:-
- a. The Appellants are hereby ordered to pay the outstanding balance of Kshs.897,817/= forthwith to Respondent.
 - b. In default, the appellants are directed to forthwith surrender and present to the Deputy Registrar of Kericho High Court Motor Vehicle Registration No. KCU 060L within 3 days from the date of this Order.
 - c. Mention on 18/3/2026 to confirm compliance and for further orders and directions.
 - d. Costs of the application to be paid by the Appellants/Respondents

DELIVERED, SIGNED AND DATED AT KERICHO THIS 10TH DAY MARCH, 2026.

.....

J.K. SERGON

JUDGE

In the Presence of:-

C/Assistant – Rutoh

Miss Ongwando for the Appellant

Mwita for the Respondent

