



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERUGOYA

MISC. CIVIL APPLICATION NO. E097 OF 2025

HENRY RUTER NJAGIAPPLICANT

VERSUS

PETER MWANGI KAMAU1ST RESPONDENT

GIANT AUCTIONEERS.....2ND RESPONDENT

RULING

[1] Upon considering the application for stay of execution pending appeal dated 26/11/2025 and the Replying Affidavit of 10/12/2025, the Court finds merit in the application on the grounds of alleged want of notice of the suit and the likely substantial loss by threatened sale of the Proclaimed Motor Vehicle registration KCE205B.

[2] The court considers that the application for leave to appeal out of time may be granted on condition that the entire decretal sum of Ksh.842,336 is deposited into an interest earning account in the joint names of the advocates for the parties within 30 days.

ORDERS

[3] Consequently, the Notice of Motion dated 26/11/2026 is granted in terms of prayers 2 and 3, and the stay of execution pending appeal is granted on condition that the decretal sum of Ksh.842,336 is deposited into a joint interest-earning account in the names of the advocates for the parties within thirty (30) days.

[4] In default, execution to issue.

[5] The Memorandum of Appeal and the Record of Appeal shall be filed within fourteen (14) days and sixty (60) days, respectively.

[6] Mention for directions as the hearing of the appeal on **23/4/2026**.

[7] Coss in the cause.

Order accordingly.

DATED AND DELIVERED THIS 23RD OF FEBRUARY 2026.

EDWARD M. MURIITHI

JUDGE

APPEARANCES:

Mr. Munene Njiru for the Applicant.

Ms. Naliaka for Mr. Kiama for the Respondent.