



REPUBLIC OF KENYA

IN THE HIGH COURT AT NAKURU

CIVIL APPEAL NO. 290 OF 2023

MOGO AUTO LIMITED.....

APPELLANT

VERSUS

JAMES MAJOK THON 1ST

RESPONDENT

HESPON MOGUSU NYANDEGE2ND

RESPONDENT

RULING

1. By Notice of Motion dated 23rd July 2025, the 1st Respondent seeks reliefs as hereunder;-

1. Spent.

2. Spent.

3. THAT the Appeal be struck out and/or dismissed for non-prosecution.

4. THAT interim orders of injunction granted on 12th February 2024 be vacated and/or discharged.

- 5. A mandatory injunction does issue directing the National Transport and Safety Authority (NTSA) to transfer ownership of motor vehicle registration number KDD 629D Honda Fit from the name of the Appellant to the 1st Respondent or any other person the latter shall designate from requiring further action, consent or documentation from the Appellant and the 2nd Respondent.**
- 6. That the Appellant and the 2nd Respondent be compelled to surrender to the 1st Respondent any and all instruments including registration materials, or accessories in their custody relating to the subject motor vehicle within 7 (seven) days from the date of this order, failing which the NTSA be authorised to issue replacement to the 1st Respondents directly.**
- 7. That the costs of the Application and the Appeal be awarded to the 1st Respondent**
and
- 8. That the court may issue other order(s) as may be may be deemed just and expedient in the circumstances.**

2. There is evidence of service of the Application upon the Appellant and the 2nd Respondent on the basis of affidavit of service purportedly sworn on 14/11/2025. No reply has, however, been filed.

3. Having perused the affidavit in support of the Motion together with written submissions of the 1st Respondent's Advocates, I find the Application to be merited there being no rebuttal. Accordingly it is granted in terms of prayers 3, 4, 5, 6 and 7.

4. Ruling accordingly.

J. M NANG'EA, JUDGE.

**Ruling dated, signed and delivered virtually this 9th day of
March, 2026.**

In the presence of:

Appellant's Advocate, Absent

1st Respondent's Advocate, Mr. Ochieng for Mr. Ahenda

2nd Respondent, Absent

Court Assistant (Jeniffer)

J. M NANG'EA, JUDGE.

ORIGINAL