



Executive World Limited & another v Metro Enterprises Limited (Civil Appeal E730 of 2025) [2026] KEHC 4744 (KLR) (Civ) (13 April 2026) (Ruling)

Neutral citation: [2026] KEHC 4744 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CIVIL

CIVIL APPEAL E730 OF 2025

LP KASSAN, J

APRIL 13, 2026

BETWEEN

EXECUTIVE WORLD LIMITED 1ST APPELLANT

SAMUEL MUCHERU 2ND APPELLANT

AND

METRO ENTERPRISES LIMITED RESPONDENT

RULING

1. This is an application to review the order of the court requiring that the entire decretal amount be deposited to court as a conditional stay. The Applicant has deposited Ksh 3,000,000 instead of Ksh 5,000,000 as a security and cited financial constraints. This application for review is opposed and I must say that the decision to determine what should amount to security is purely discretionary. I have read the submissions on record and I wish to say that the money already deposited is substantial and constitute a huge percentage of the decretal amount.
2. There is no sufficient reason that if in future the Appellant loses the case, it will not be able to raise the balance. The courts must always be flexible when dealing with a review of an order granted ex parte because real facts come during an application of review. To this extent I hold that the amount already deposited is sufficient security. Stay is therefore granting pending the determination of this appeal

DATED, SIGNED AND DELIVERED VIRTUALLY ON THIS 13TH DAY OF April 2026.

L P KASSAN

JUDGE

