



Kamau v Kelwon & another (Suing as the Administrators of the Estate of the Late Elijah Kelwon Cheburet) & 5 others (Civil Appeal E064 of 2025) [2026] KEHC 4704 (KLR) (10 April 2026) (Ruling)

Neutral citation: [2026] KEHC 4704 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
CIVIL APPEAL E064 OF 2025
AN ONGERI, J
APRIL 10, 2026**

BETWEEN

PETER GITIHA KAMAU APPELLANT

AND

**MAGDALINER TABUTANY KELWON & ELIJAH KELWON CHEBURET
(SUING AS THE ADMINISTRATORS OF THE ESTATE OF THE LATE ELIJAH
KELWON CHEBURET) 1ST RESPONDENT**
CHOGA CHINDORO 2ND RESPONDENT
JOSHUA MATHENGE 3RD RESPONDENT
EAST AFRICAN INSTITUTE OF AFRICAN STUDIES 4TH RESPONDENT
NCBA BANK KENYA PLC 5TH RESPONDENT
JOSEPH MUIRI KARIUKI 6TH RESPONDENT

RULING

1. Following this court’s judgment which ordered restoration of motor vehicle registration number KCY 289C to the Appellant, the Appellant’s Learned Counsel made an application for release of the motor vehicle which is currently held at Voi Police Station to the Appellant.
2. The Respondent’s Learned Counsel opposed the oral application for release of the motor vehicle and asked for 14 days to file a formal application for stay of the said order as he proceeds to the Court of Appeal.
3. The Learned Counsel for the 3rd Party also asked for leave to appeal and associated himself with the sentiments of the Respondent’s counsel.



4. There are three parties who have interest in the said motor vehicle and the stakes are high.
5. It is in the interest of justice that the said motor vehicle continue being held in neutral ground pending a formal application by Counsel for the Respondents and the Interested Party for stay of release of the same. I grant 30 days stay of release.
6. The Respondents and Interested Parties are granted leave to appeal to the Court of Appeal within 30 days of this date.
7. The parties to be supplied with certified copies of the proceedings and the judgment of this court upon making payments. The Respondent's Counsel is granted 14 days to file his formal application.

DATED, SIGNED AND DELIVERED ONLINE VIA MICROSOFT TEAMS AT VOI THIS 10TH DAY OF APRIL, 2026.

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A. N. ONGERI

JUDGE

In the presence of:

Mr. Kinyanjui for the Appellant

Mr. Arusei for the Respondents

Mr. Kofuna for the Interested Party.

