

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL DIVISION**

MISC. APPLN. NO. E1329 OF 2025

APOLLO RICHARD OLUOCH

.....APPLICANT

VERSUS

ANTHONY MACHARIA

.....RESPONDENT

RULING

1. The Applicant Apollo Richach Oluoch by this **motion dated 23/07/2025** seeks orders against the Respondent, Anthony Macharia that:-

- 1) *Spent*
- 2) *The Honourable court be pleased to adopt the judgment of the advocates Disciplinary Tribunal (ADP) delivered on 7/12/2020 in D. T. cause No. 116/2019 as an order of this court*
- 3) *That the Honourable court be pleased to adopt the sentence of the advocate Disciplinary tribunal (ADT) delivered on 20/01/2025 in D.T. cause No. 116/2019 as a judgment and order of this court.*
- 4) *The honourable court be pleased to direct that the Deputy Registrar of the court do execute forthwith the said decree against the Respondent for Kshs. 20,887,200/= together*

with interest at 12% per annum from 2014 until payment in full and costs.

2. The motion is premised upon **Sections 60(4) and 62 of the Advocates Act, Sections 1A, 1B and 3A and 63 (c) of the Civil Procedure Act and Order 51, 22 and 23 of the Civil Procedure Rules;** and amplified by the affidavit of Applicant sworn on 23/07/2025 and annexures thereto, in particular Ext. Marked as "ARO1 & 2" being the certified copy of the judgment and sentence delivered on 7/12/2020 by the Tribunal cause No. 116/2019.
3. Service of the motion and hearing notice upon the Respondent were made on 5/11/2025 and an affidavit of service of an even date filed stating that service was effected by WhatsApp to the Respondents Advocates R. H. Wanga & Co. Advocates phone No. 0721931984 as well as via its email address as stated in its Notice of Appointment of Advocates for the Respondent dated 23/09/2025.
4. Despite the said service of the motion and hearing notice, the Respondent has not filed response to the motion. It is therefore unopposed.
5. The applicant argued its motion on 5/02/2026, before me. I have considered the oral arguments, the affidavit material placed before the annexures and me thereto.
6. It is the Applicant's case that by a judgment of the Advocates Disciplinary Tribunal in cause No. 116/2019 against the

Respondent Macharia Anthony Maina (P.105/3293/96) was ordered to pay to the applicant the sum of Kshs. 20,887,200 together with interest thereon compounded at 12% per annum from 2014 within 90 days from date of the judgment.

7. However, upon review by the Tribunal, on 13/06/2022, the sum payable to the Applicant was reduced to Kshs. 17,837,200/= having found that the Advocate had paid a sum of Kshs. 2,500,000/=.
8. On 20/01/2025, upon mitigation, the Tribunal ordered the Advocate/Respondent to refund to the complainant the sum of Kshs. 17,837,200/= with interest at 12% per annum from 2019 until payment in full; and proceeded to sentence the Advocate to a fine of Kshs. 1,000,000/=.
9. Further, the Tribunal ordered the Advocate to pay costs of Kshs. 300,000/= to the complainant (Applicant) and Kshs. 150,000/= to the Law Society of Kenya within 60 days of the sentence.
A mention date was taken for 7/04/2025 to confirm compliance.
10. These proceedings are for enforcement of the ADT judgment. The ADT lacks enforcement powers of its judgment such power is granted to the High Court, No stay of execution orders were sought and no appeal has been filed against the ADT judgment.
11. There being no challenge whatsoever by the Respondent/Advocate, and being minded that **Section 1A and 1B of the Civil Procedure Act** obligate this court to secure a

just and expeditious determination of proceedings, and therefore being in place no alternative enforceability of the ADT judgment, I am persuaded to allow the Applicant's motion dated 23/07/2025, with some modifications stated at par. 7 above.

12. Disposition

- a) The court hereby adopts the judgment of the Advocates Disciplinary Tribunal (ADT) in D.T cause No. 116 of 2019 rendered against the Respondent Antony Macharia as judgment of the court, in the sum of Kshs. 17,837,200/= as delivered on 7/04/2025;**
- b) The above sum shall attract interest at 12% per annum from 2019 until payment in full.**
- c) The Advocate/Respondent is fined Kshs. 1,000,000/= with costs payable to the Applicant Apollo Richard Oluoch assessed at Kshs. 300,000/= and**
- d) Costs assessed at Kshs. 150,000 payable to the law Society of Kenya;**
- e) The Deputy Registrar of this court, Hon. C. Njue is directed to draw an appropriate decree in terms of the above judgment for execution as against the Advocate/Respondent**
- f) The Applicant shall bear own costs of this Application.**

**Delivered Dated and Signed at Nairobi this 16th April,
2026.**

.....

JANET MULWA.

JUDGE

ORIGINAL