



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NYAMIRA**  
**(CHERERE-J)**

**HCCA E0098OF 2024**

**JOSEPHINE KWAMBOKA MANDERE & AMISI OYUNGE  
MANDERE***(Suing as Personal Representatives and Legal  
Administrators of the Estate of Samuel Mandere Matonga  
Deceased)*.....

.....**APPLICANTS**

**AND**

**BERNARD BOSIRE**

**OKIRO**.....**RESPONDENT**

**RULING**

1. Before this Court is the Notice of Motion dated 23<sup>rd</sup> February 2026 in which the Applicants seek an order that the sum of KES 867,775 deposited in a joint interest earning account at Equity Bank Limited, Community Corporate Branch in the names of Kimondo Gachoka & Company Advocates and Ochoki & Company Advocates be released to the Applicants' advocates.
  
2. The background to the application is that the Appellant filed the present appeal challenging the judgment of the trial court. Upon filing the appeal, the Court granted stay of execution pending appeal on condition that the Appellant

deposit KES 867,775 as security in a joint interest earning account in the names of the advocates for the parties.

3. The said sum was subsequently deposited in the joint account at Equity Bank Limited, Community Corporate Branch.
4. The appeal was thereafter heard and judgment delivered by this Court on 19<sup>th</sup> June 2025 in favour of the Applicants. The Applicants now seek release of the deposited funds on the ground that the appeal has been determined and the purpose for which the security was deposited has been spent.
5. When the application came up for hearing on 05<sup>th</sup> March 2026, Ms. Moraa for the Appellant informed the Court that the Appellant was not opposed to the application.
6. Security deposited as a condition for stay of execution pending appeal is intended to secure the due performance of the decree should the appeal fail. Once the appeal has been heard and determined, the Court is entitled to issue directions regarding the deposited funds.
7. The Court is therefore satisfied that the application has merit. The Notice of Motion dated 23<sup>rd</sup> February 2026 is hereby allowed and it is hereby ordered:.

**1) The sum of KES 867,775 deposited in Equity Bank Limited, Community Corporate Branch in the joint**

**names of Kimondo Gachoka & Company Advocates and Ochoki & Company Advocates, together with all accrued interest, shall be released to Ochoki & Company Advocates for the Applicants.**

**2) Upon release of the said funds, the joint account shall be closed.**

**3) There shall be no order as to costs.**

**DELIVERED AT NYAMIRA THIS 05<sup>th</sup> DAY OF  
March 2026**



**WAMAE.T. W. CHERERE  
JUDGE**

**Appearances**

**Court Assistant - Hilda**

**For Applicants - Mr. Ochoki for Ochoki & Co. Advocates**

**For Respondent - Ms. Mora for Kimondo, Gachoka & Co.  
Advocates**