



**Kaironge v KCB Bank Limited & another (Commercial Case
E004 of 2023) [2025] KEHC 1144 (KLR) (29 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 1144 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
COMMERCIAL CASE E004 OF 2023
DO CHEPKWONY, J
JANUARY 29, 2025**

BETWEEN

PETER MWANGI KAIRONGE APPLICANT

AND

KCB BANK LIMITED 1ST RESPONDENT

LEGACY AUCTIONEERING SERVICES 2ND RESPONDENT

RULING

1. The matter was scheduled for mention for parties to confirm compliance of directions issued on 28/10/2024.
2. Upon listening to both counsel for the parties herein, the Plaintiff's counsel has sought to have the suit withdrawn with no orders on costs since the Plaintiff has been serving the loan and there is no threat of execution.
3. The defendant's counsel, Mr. Swaka has no objection to the matter being withdrawn save for the issue of/on costs. Mr. Swaka has sought to be awarded costs since they filed their response and submissions as directed by the court, to which the Plaintiff's counsel has responded to say he has nothing to say meaning he is not opposed to the respondent being granted costs of the suit.
4. This being the case, and since it is trite that costs follow an event, the suit be and is hereby marked as withdrawn with costs to the defendant.

It is so ordered.

**RULING DELIVERED VIRTUALLY VIA MICROSOFT TEAMS, DATED AND SIGNED AT
KIAMBU THIS 29TH DAY OF JANUARY, 2025.**

D.O CHEPKWONY



JUDGE

In the presence of:-

Martin – Court Assistant

Ms. Matu holding brief for Ms. Wanjiru counsel for Plaintiff

Mr. Swaka counsel for Defendant

