



**Trustees of Stanbic Bank (K) Limited Staff Pension and Life Assurance Scheme
v Retirement Benefits Appeals Tribunal & another; Retirement Benefits
Authority (Interested Party) (Judicial Review Application E137 of 2021)
[2025] KEHC 533 (KLR) (Judicial Review) (29 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 533 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW APPLICATION E137 OF 2021**

**RE ABURILI, J
JANUARY 29, 2025**

BETWEEN

**TRUSTEES OF STANBIC BANK (K) LIMITED STAFF PENSION AND LIFE
ASSURANCE SCHEME APPLICANT**

AND

**RETIREMENT BENEFITS APPEALS TRIBUNAL 1ST RESPONDENT
BERNDADETTE KARIUKI 2ND RESPONDENT**

AND

RETIREMENT BENEFITS AUTHORITY INTERESTED PARTY

RULING

1. The twin applications dated 22/1/2025 were both filed under certificate of urgency and I considered them on 27/1/2025 and rendered a brief Ruling in the form of directions. The applicant has served the Respondent who has appeared through Counsel, Mr. Ndegwa. The applicant now seeks leave of court to withdraw the application for review/setting aside of the Ruling delivered on 8/1/2025 by Ngaah J declining to enlarge time for filing of a reference from the taxation Ruling. The applicant seeks that the withdrawal of the application be allowed with no orders as to costs since the applicant has thought about it and that it saves the court’s time besides there being no prejudice to be occasioned to the Respondent.
2. The applicant further seeks leave to appeal out of time the Ruling of 8/1/2025 since the 14 days have lapsed since the impugned Ruling was delivered.



3. On the part of the Respondent, there was no objection to the withdrawal of the application for review. However, Counsel is opposed to the withdrawal without costs since costs follow the event and having been served with the application, they have appeared though they are yet to file a response, today being a date fixed for directions.
4. The Respondent is also opposed to the request for leave to appeal out of time from the Ruling of 8/1/2025 as they are keen on executing decree and to enjoy the fruits of their judgment.
5. I have considered the twin prayers. As there is no objection to the prayer to withdraw the application dated 22/1/2025 seeking for review of the Ruling of 8/1/2025, the application dated 22/1/2025 for review is hereby marked as wholly withdrawn.
6. On costs, I observe that the applicant had two applications which were served on the same day and both are due for mention today for directions.
7. However, the applicant has at the earliest opportunity withdrawn the application.
8. I find that it will not serve the interests of justice to order for costs on the withdrawn application which the Respondent has not yet filed a response to. Even if they have appeared, and as stated above, there are two simultaneous applications, one which is still live being the objection to attachment application.
9. Accordingly, I allow the withdrawal of the application for review with no orders as to costs.
10. On the leave to appeal out of time, I direct the applicant to carefully read the relevant provisions of the law and make up its mind on what kind of application to make and make it in writing for inter partes consideration. I shall not determine here an oral application for “leave to appeal out of time”.
11. On the objection proceedings, as the execution process is in motion, I grant the Respondent 5 days of today to file and serve a reply thereto upon which the applicant will have 5 days of date of service to file and serve a further affidavit if need arises. Thereafter, the Respondent shall be at liberty to file and serve a supplementary affidavit if need arises. The objection proceedings shall be orally canvassed on 17/2/2025.
12. The interim stay of execution subject of the objection proceedings only is extended until then, 17/2/2025. This Ruling to be typed forthwith and uploaded.
13. I so order.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 29TH DAY OF JANUARY, 2025.

R.E. ABURILI

JUDGE

