



Trustees of Stanbic Bank (K) Ltd 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 346 (KLR) (Judicial Review) (24 January 2025) (Ruling)

Neutral citation: [2025] KEHC 346 (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 24, 2025

BETWEEN

TRUSTEES OF STANBIC BANK (K) LTD 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. On the twin Applications dated 22/1/2025, I have considered the two applications, both dated 22/1/2025 by the objector to the attachment Stanbic Bank Kenya Limited, objecting to the attachment and sale of the 12 items listed in the warrants of attachment dated 20/1/2025 and proclaimed by Mbusera Auctioneers and the application dated 22/1/2025 by the judgment debtor seeking stay of execution of Certificate of Taxation dated 15/7/2024 as well as a prayer for review/setting aside of the Ruling dated 8/1/2025 and reinstatement of the application dated 23/7/2024 for hearing denovo on its merits.
2. The two applications are each brought under certificate of urgency, supported by grounds on the faces thereof, affidavits and annextures.



3. In respect of the application accompanying the Notice of Objection to attachment, I find the application urgent. It is hereby certified urgent. I direct the Applicant/Objector to serve upon the Decree holder and all the parties to these proceedings, for inter partes directions on 29/1/2025.
4. Pending the inter partes directions, and with the decree holder intimating to court whether it intends to proceed with attachment as commenced, there is hereby granted a temporary stay of execution by way of taking possession and or sale of the attached properties and or any other property belonging to the objector.
5. I so order.
6. On the second application dated 22/1/2025 filed by the judgment debtor, I note that the application was filed on 23/1/2025. The Ruling which is sought to be reviewed and set aside was rendered on 8/1/2025. It appears to this court that the applicant only came to court after execution process was put in motion. I find that there is no urgency disclosed. I decline to certify the application in question as urgent.
7. I direct the Applicant/judgment Debtor to serve the decree holder for inter partes directions on 29/1/2025. I make no further orders.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 24TH DAY OF JANUARY, 2025

R.E. ABURILI

JUDGE

