



**Camusat Kenya Ltd v Wananchi Group (Kenya) Limited & another (Commercial Case E594 of 2024) [2025] KEHC 490 (KLR) (Commercial and Tax) (23 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 490 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)  
COMMERCIAL AND TAX  
COMMERCIAL CASE E594 OF 2024  
JWW MONG'ARE, J  
JANUARY 23, 2025**

**BETWEEN**

**CAMUSAT KENYA LTD ..... APPLICANT**

**AND**

**WANANCHI GROUP (KENYA) LIMITED ..... 1<sup>ST</sup> RESPONDENT**

**WANANCHI TELECOM LTD ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. The Plaintiff has by an application dated 1/10/2024 moved this Honourable Court pursuant to Articles 48 and 159 of *the constitution* and Section 1A, 1B, 3, 3A of the *Civil Procedure Act* and Order 13,36,40,51 of the Civil Procedure Rules seeking the following Orders:-
  1. spent
  2. spent
  3. That the Honourable Court be pleased and does hereby order the defendant to deposit the sum of Kshs. 105,835,237.57/= (One hundred and five million, eight hundred thirty-five thousand two hundred thirty-seven shillings) only in an interest earning account in the names of the advocates on record pending the hearing and determination of the instant suit.
  4. That the Honourable Court be pleased and does hereby issue judgement in favour of the Plaintiff/ Applicant as against the Defendant/Respondent on their own admission
  5. That the Honourable Court be pleased and does hereby grant any other order that the court may deem fit.
  6. Costs of this Application be provided for.



2. The application is supported by the grounds set on its face and the supporting affidavit of Gideon Chepkwony. The Application is opposed and the Defendants have filed a replying affidavit sworn on 8/10/2024 by Caroline Julio.
3. It is the Applicant’s case that the Defendant Company is in the process of being sold to an undisclosed 3<sup>rd</sup> party outside the jurisdiction of this court and yet the Defendants acknowledge being indebted to the plaintiff to the tune of Kshs. 105,835,237.57/=. The Applicants seeks to have the said funds held in an interest earning account in the joint names of advocates for both parties pending determination of the said suit. A second prayer for entry of judgment on admission has also been sought.
4. In opposing the present application, the Defendants filed a replying affidavit sworn by Caroline Julio on 8<sup>th</sup> October 2024. Ostensibly I note that the Defendants intimate and have stated that they are ready and willing to hold discussions on the outstanding accounts with a view to reconciling the present debt and that the application and the present suit denies them the opportunity to conclusively do so.
5. Article 159 () (d) of *the Constitution* has urged the court to promote alternative Dispute Resolution in its exercise of judicial authority. The said article provides as follows:-

“(2) 2) In exercising judicial authority, the courts and tribunals shall be guided by the following principles—

(a) .....

(b... ..;

(c) alternative forms of dispute resolution including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms shall be promoted, subject to clause (3);”

(d) .....

6. Guided by the above constitutional underpinnings, I am satisfied that this is a matter that parties can resolve conclusively through Alternative Dispute Resolution and order that the parties do submit themselves to Court Annexed Mediation for expeditious resolution of the present dispute. Subsequently, this matter shall be mentioned before the Deputy Registrar to schedule a mediation on 17<sup>th</sup> February 2025. Should the parties fail to mutually reach an agreement to settle the matter through mediation, then the suit as filed shall proceed for full trial and determination on merit. Each party shall bear their own costs of the present application. It is so ordered.

**DATED, SIGNED AND DELIVERED VIRTUALLY at NAIROBI this 23<sup>rd</sup> DAY OF JANUARY 2025**

**J.W.W. MONG’ARE**  
**JUDGE**

In the Presence of:

Ms. Mwikali holding brief for Mr. Omwanza for the Plaintiffs/Applicants.

Mr. Wesonga for the Defendant/Respondents.

Amos - Court Assistant

