



**Sokota Investments Limited v Kenya Revenue Authority & 3 others (Civil Suit 25 of 2016) [2025] KEHC 12092 (KLR) (30 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 12092 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
CIVIL SUIT 25 OF 2016  
F WANGARI, J  
JUNE 30, 2025**

**BETWEEN**

**SOKOTA INVESTMENTS LIMITED ..... PLAINTIFF**

**AND**

**KENYA REVENUE AUTHORITY ..... 1<sup>ST</sup> DEFENDANT**

**THE DCIO, URBAN POLICE STATION ..... 2<sup>ND</sup> DEFENDANT**

**THE ATTORNEY GENERAL ..... 3<sup>RD</sup> DEFENDANT**

**LEE WAITITU ..... 4<sup>TH</sup> DEFENDANT**

**RULING**

1. The 4<sup>th</sup> Defendant/ Applicant filed a Notice of Motion dated 19/10/2024 seeking to be allowed to comply with the Court’s Orders dated 17/12/2024 requiring the Applicant to deposit the decretal sum in court or in a joint interest earning account in the names of the parties’ advocates pending the disposal of the appeal.
2. The Applicant was of the honest believe that the stay previously granted was still in force until when he was served with the Notice of Entry of Judgment on 08/10/2024. That is when he was advised by his advocate on record that he (the advocate) had inadvertently omitted to inform the Applicant of the conditions for stay granted, that is the deposit of the decretal sum as security pending the disposal of the appeal which is still pending in the Court of Appeal. The Applicant sough to be allowed to make the said deposit within 45 days with effect from 01/11/2024.
3. From the proceedings, it is said that the Grounds of Opposition were filed by the Plaintiff. I have confirmed with the e-filing platform that the said Grounds of Opposition were not filed in the CTS.



4. The parties engaged in negotiations but they could not agree on the amount to be deposited. It was directed that the application be canvassed by way of written submissions. Both parties complied by filing their rival submissions in support of their positions.
5. It is not in dispute that the Applicant was granted orders for stay of execution and proceedings on 17/12/2021. It is also not in disputes that there is a pending appeal against the judgment of the court, before the Court of Appeal. It is also not in dispute that no action was taken by the Plaintiff until when the Notice of Entry of Judgment was served upon the Applicant, almost 3 years after the ruling of the court dated 17/12/2024.
6. I do agree with the submissions of the Appellant that he was of the honest opinion that the stay orders were still in force bearing in mind that no action was taken by the Plaintiff for almost 3 years. Paragraph 41 (ii) of the Ruling dated 17/12/2021 stated as follows;  

“The 4<sup>th</sup> Defendants shall deposit the sum of Kshs. 2,402,040/= in a joint interest earning an account in the names of his advocate and the plaintiff’s advocate within 45 days from the date of this ruling. In default thereof the application herein shall be deemed to have been dismissed and the plaintiff will be at liberty to execute.”
7. The Plaintiff had slept on his rights to execute. That made the Applicant to be of the honest believe that the stay orders were still in force. With the conditions for stay of execution being brought to the attention of the Applicant, he is willing and desirous of depositing the decretal amount as ordered.
8. Furthermore, the appeal is pending before the Court of Appeal. No need to disturb the equilibrium. In order to protect the interests of all the parties, I find it prudent that the stay orders are hereby reinstated and the Applicant do deposit security in form of decretal sum of Kshs. 2,402,040/= in a joint interest earning account in the names of both advocates on record within the next 45 days, and in default, execution to issue. Each party to bear its own costs.

### **Determination**

9. The upshot of the foregoing is that I make Orders as follows:
  - a. The Notice of Motion dated 19/10/2024 is allowed as prayed.
  - b. Stay of execution orders are hereby reinstated subject to the deposit of decretal sum of Kshs. 2,402,040/= by the 4<sup>th</sup> Defendant, in a joint interest earning account in the names of the advocates on record within next 45 days.
  - c. In default of (b) above, execution to issue
  - d. Each party to bear its own costs.

**DELIVERED, DATED AND SIGNED AT MOMBASA ON THIS 30<sup>TH</sup> DAY OF JUNE, 2025.**

**F. WANGARI**

**JUDGE**

In the presence of:-

Mr. Kenga Advocate for the Plaintiff

Ms. Onyango Advocate for the 1st Defendant.

Ms. Getrude, Court Assistant

