



REPUBLIC OF KENYA



KENYA LAW
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**In re BDO (Miscellaneous Civil Application E1168 of 2025)
[2025] KEHC 12386 (KLR) (6 August 2025) (Ruling)**

Neutral citation: [2025] KEHC 12386 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
MISCELLANEOUS CIVIL APPLICATION E1168 OF 2025**

SN MUTUKU, J

AUGUST 6, 2025

**IN THE MATTER OF AN APPLICATION BY PHILIP
EDWINE ANAYO FOR DECLARATORY OORDERS**

AND

IN THE MATTER OF BRIAN DENNIS OSII

RULING

1. Philip Edwine Anayo, the Applicant, has filed this Notice of Motion under Order 51 Rule 1 of the Civil Procedure Rules and Section 1A, 1B and 3A of the [Civil Procedure Act](#) and all other enabling provisions of the law, seeking the following orders:
 - i. Spent.
 - ii. That this Honourable Court be pleased to issue a Declaratory Order confirming that the Applicant, Philip Edwine Anayo, has voluntarily and unequivocally given his consent and authority to Brian Dennis Osii, holder of Passport No. (Particulars withheld) , to access and utilize funds held in Account Number (Particulars withheld) at SBM Bank, for the sole purpose of financing his tuition fees, accommodation, and living expenses during the course of Master of Science in Geotechnical Engineering Course at the University of Birmingham, United Kingdom.
 - iii. That this Honourable Court be pleased to make such other or further orders as it may deem just and expedient in the circumstances.
 - iv. That the costs of this Application be in the cause.
2. The grounds supporting the Application are that Brian Dennis Osii was admitted to pursue a Master of Science in Geotechnical Engineering at the University of Birmingham in the United Kingdom, which programme is set to commence on 29th September 2025; that it is a requirement, as expressed by the



University of Birmingham, that a court order be obtained confirming the consent by Philip Edwine Anayo to financially support Brian Dennis Osii using his funds from his own bank account for tuition and living expenses.

3. Mr. Philip Edwine Anayo has stated that he holds sufficient funds in the Account No. (Particulars withheld) at SBM Bank and that he is freely and willingly agreed to financially support Brian Dennis Osii for the duration of the course.
4. Mr. Philip Edwine Anayo has also sworn an affidavit on 4th August 2025 in support of the Application in which he has attached a copy of his Kenyan National Identity Card No. (Particulars withheld) and certified copy of bank statements.
5. I have considered this application and brief submissions made by Ms Salim, learned counsel for the Applicant. I have also obtained confirmation from Mr. Philip Edwine Anayo and Brian Dennis Osii that what is stated in the application and the documents supporting the same is correct. I am satisfied that this application is merited. I grant the prayers sought in the Notice of Motion dated 4th August 2025 as prayed as follows:
 - i. That a Declaratory Order is hereby issued confirming that the Applicant, Philip Edwine Anayo, has voluntarily and unequivocally given his consent and authority to Brian Dennis Osii, holder of Kenyan Passport No. (Particulars withheld) , to access and utilize funds held in Account Number (Particulars withheld) at SBM Bank belonging to Philip Edwine Anayo, for the sole purpose of financing his tuition fees, accommodation, and living expenses during the course of Master of Science in Geotechnical Engineering Course at the University of Birmingham, United Kingdom.
 - ii. That the costs of this Application shall be in the cause.
6. Orders shall be issued accordingly.

DATED, SIGNED AND DELIVERED THIS 6TH AUGUST 2025.

S. N. MUTUKU

JUDGE

In the presence of:

Ms Salim for the Applicant

