



**Khetia Drapers Limited v Kiunga (Miscellaneous Civil Application
E038 of 2025) [2025] KEHC 12402 (KLR) (3 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12402 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERUGOYA
MISCELLANEOUS CIVIL APPLICATION E038 OF 2025
EM MURIITHI, J
SEPTEMBER 3, 2025**

BETWEEN

KHETIA DRAPERS LIMITED APPLICANT

AND

BENSON NJUKI KIUNGA RESPONDENT

RULING

1. The applicant filed a notice of motion dated 29th June, 2025 seeking the following orders:
 1. Spent.
 2. Spent.
 3. Spent.
 4. That the Honourable Court orders the Plaintiff's Advocates provides the necessary vital information and data to enable the Applicant's insurers create a payee in Company's system and thereafter process the payment.
 5. That the costs of the Application abide by the outcome of the Appeal.
2. The application is based on the grounds on the face of the application and the supporting affidavit of Beatrice Muriithi. The applicant's case is that the Plaintiff's Advocate having declined in sharing the vital details including the KRA Pin and National ID as per the Bank details payments generic request form 2017 for creation of a Payee account as per the Company's Policy they cannot proceed with payment of the said amounts.
3. Further, due to delays in approvals of payments at their offices due to the change of management and larger merger with Sanlam Insurance, the payment to be made to Court of Kshs.1,479,525/= was



approved on the 21st July, 2025 and the remittance effected thereon, the instance of which they advised the appointed Advocates to finalize the process of depositing the money in Court.

4. Lastly, this application seeking enlargement has been brought without unreasonable delay.
5. The respondent deposed to a Replying Affidavit stating that the Applicant, on expiry of the 30 days' timeline given by the court had not deposited the security in court nor paid out the sum to the Respondents' Advocates account as ordered by this Honourable Court. The Applicant's advocate was furnished with their account details as shared via their letter dated 10th April 2025.
6. Further, the applicant seeks to have the Respondents Advocates compelled to release personal data to a M/s Jubilee insurance who is a stranger to them, which data they are unaware for what use and are apprehensive of misuse.
7. Lastly, he avers that the disclosure of such data violates the Respondents advocates' right to privacy and is not anchored in any legal basis and the Applicant's insurer own internal processes cannot be a valid reason for not complying with a court order.

Applicant submissions

8. The applicant submits that it is customary to ask for and confirm the identification and KRA Pin of all parties including advocacy firms—in a lot of legal and financial operations. This is done to verify the entity's identity and tax compliance and in their the same is needed for creation of a payee system to enable compliance with Court Orders. The request is made for solely standard procedures of the Applicant's Insurers of payment.
9. They submit that the Respondent's Advocate has not placed before this Honourable Court sufficient evidence to show how the data sought fit in the above ambit of infringement as alleged thus pray that this Honourable Court orders that the form be filled by the Respondent's advocate and/or in the alternative the decretal sum be deposited in Court.

Respondent submissions

10. The respondent submit that the issue of the KRA Pin raised by the applicant herein is a delay tactic meant to frustrate the process and deny the respondent enjoyment of the fruits of the judgment. The applicant's suggestion that in default of KRA pin being provided, the decretal sum be deposited in court is evidence that indeed they want to ensure that the respondent does not enjoy his fruits. They are trying to have the court re-write its orders of 19/6/25, yet the same have not been reviewed or appealed against.
11. Moreover, they submit that Real Time Gross Settlement (RTGS) System is used by banks in Kenya. The Central Bank Rules on RTGS does not provide single requirement that KRA Pin or identification card is required in order to initiate the same. All is needed is for the Customers to directly instruct their banks to make payments to the receiving banks. The payments reflect within 4 hours after receiving the instructions. The applicants have not shown any evidence that they have taken any steps in instructing their bank to make the payments. RTG'S can be future dated and in deed if the applicants were willing to pay the sum there would be prove that they have instructed their bank and it is just awaiting the go ahead.

Issue

12. Whether the information sought by the Applicant is detrimental to the Respondent's firm.



Analysis

13. The applicant filed the motion seeking for the Honourable Court to order the Plaintiff's Advocates to provide the necessary vital information and data to enable the Applicant's insurers create a payee in Company's system and thereafter process the payment.
14. The applicant deposes that that the information sought herein is only for creation of a payee system for their company and thereafter proceed to pay the Advocate vide Electronic Fund Transfer which is standard procedure as the company stopped issuing cheques in 2018.
15. The respondent avers that the disclosure of such data violates their right to privacy and is not anchored in any legal basis and the Applicant's insurer own internal processes cannot be a valid reason for not complying with a court order.
16. The respondent submits that the applicant's suggestion that in default of KRA pin being provided, the decretal sum be deposited in court is evidence that indeed they want to ensure that the respondent does not enjoy his fruits.
17. In *Mamicha & Company Advocates v Nairobi Water & Sewerage Company Limited* (Miscellaneous Civil Application 606 of 2013) [2022] KEHC 13082 (KLR) (Civ) (23 September 2022) (Ruling), the respondent at paragraph 8 raises the issue of KRA Pin as a prerequisite to payment of outstanding fees. Para 8 states:

“In oral arguments, Kisaka counsel for the respondent argues that the respondent requires a KRA pin certificate since its payment system is connected to its supplier, and hence the instant motion is unnecessary, to which Odhiambo advocate for the applicant has retorted with the argument that the request for the KRA pin is merely a delaying tactic and cannot act as a prerequisite for settlement of the outstanding fees.”
18. In the end at para 15, on the issue of KRA Pin, the Court (J. K. Sergon, J.) held:

“On the subject of the KRA pin certificate, upon my consideration of the rival arguments, I am of the view that the said subject is neither here nor there, and has no clear bearing to the issue at hand. I am therefore not convinced that the presence or otherwise of the said pin certificate would in any way preclude the pursuit of any outstanding fees by the applicant.”
19. The applicants depose that they do not issue cheques and cannot transfer funds to an advocate who has failed to supply his identification documents on the generic form shared.
20. The Court (Trainor, J.) in *Barclays Bank of Kenya Limited v Mahamud* [1985] eKLR also accepted and considered the banking practice ordinary course of business in the funds clearing process in making its determination in the suit.
21. The Applicant's banking and payment practice asserted by the applicant is not outrageous or targeted to breach any person's right to privacy. It has not been demonstrated that the Applicant intended to use the data obtained for purposes other than the processing of the payment.
22. It appears to me to be a method of capturing the details of the person to whom payment is made by the company being that KRA pin is a statutory identifier number for tax payers in financial dealings as more particularly detailed in KRA website as “A Pin is a unique number that the Kenya Revenue Authority (KRA) uses to identify a taxpayer and is required when doing any business, seeking employment, or even for importation”.



23. The Applicant may not be faulted for seeking in its company practice to main a data base for its payees as a matter of prudent financial management. The Respondent should furnish the applicant with the personal details/ information that it needs to transfer the funds to his account. The request is reasonable and it is granted.

Orders

24. Accordingly, for the reasons set out above, the application dated 29/6/2025 is allowed.
25. Costs of the application shall be Costs in the Appeal.
26. The Orders shall apply to the related HC Misc Civil Cases Nos. E041 and E043 of 2025.
Order accordingly.

DATED AND DELIVERED THIS 3RD DAY OF SEPTEMBER 2025.

EDWARD M. MURIITHI

JUDGE

Further Order:

Upon hearing the Counsel for the parties, the Court directs that the payment be effected with seven (7) days.

EDWARD M. MURIITHI

JUDGE

3/9/2025

Appearances:

Mr. Diru for the Applicant.

Mr. Momanyi for the Respondents.

