



**Centurion Engineers & Builders Ltd v Kenya Bureau of Standards
(Miscellaneous Application E506 of 2012) [2024] KEHC 16035 (KLR)
(Commercial & Admiralty) (20 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 16035 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)
COMMERCIAL AND ADMIRALTY
MISCELLANEOUS APPLICATION E506 OF 2012
A MABEYA, J
DECEMBER 20, 2024**

BETWEEN

CENTURION ENGINEERS & BUILDERS LTD PLAINTIFF

AND

KENYA BUREAU OF STANDARDS DEFENDANT

RULING

1. The Judgment-debtor has applied under Order 43 Rule 3 of the Civil Procedure Rules for leave to appeal against the Ruling and Order of this Court of 18/10/2024. The Summons is dated 28/10/2024.
2. The Judgment Debtor alleged that the impugned ruling sought to have its CEO examined as to its means of satisfying the decree. That it was aggrieved and wished to appeal against that decision.
3. The Decree-Holder opposed the application vide the Affidavit of Samay Singh sworn on 4/11/2024. It was contended that the application was devoid of merit and was only meant to delay and frustrate the Decree-Holder from enjoying the fruits of its judgment. That the Appeal was not arguable.
4. The view I take is that, a party has a right to exercise his right of fair trial. That includes bringing legal proceedings and having them determined upto the highest Court where it is permitted. In this case, this Court made an order which has angered the Judgment-Debtor. The Judgment-Debtor has the right to have the same tested by the Court of Appeal.
5. In view of the foregoing, I allow the application as prayed save that costs are to be in the cause.
It is so ordered.

DATED AND DELIVERED AT NAIROBI THIS 20TH DECEMBER 2024.



A. MABEYA, FCI Arb

JUDGE

