



REPUBLIC OF KENYA



KENYA LAW
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**Ajong'o v Ajinja & another (Civil Appeal E036 of 2024)
[2024] KEHC 11158 (KLR) (25 September 2024) (Directions)**

Neutral citation: [2024] KEHC 11158 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CIVIL APPEAL E036 OF 2024
RE ABURILI, J
SEPTEMBER 25, 2024**

BETWEEN

PETER OCHIENG AJONG'O APPLICANT

AND

OTIENO KEVIN AJINJA 1ST RESPONDENT

ERICK OTIENO OWINO 2ND RESPONDENT

DIRECTIONS

1. I have perused the Notice of Motion dated 4th July 2024 filed under Certificate of urgency.
2. I observe that Prayer 1 of the Motion seeks for stay of Judgment and decree of 3rd June 2024 pending interpartes hearing whereas Prayer 2 seeks for review, vacation or setting aside of the Judgment of 3rd June 2024.
3. Obviously, the Prayer No. 2 is incapable of being issued by this court, not being the trial court in the matter appealed from the Small Claims court.
4. This court can only handle an appeal and not review the Judgment.
5. Accordingly, I find the application devoid of any urgency. I decline to certify it as urgent. I direct the Applicant to serve the Respondent for interpartes directions on 16th October 2024.
6. The Applicant's counsel to be notified forthwith.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 25TH DAY OF SEPTEMBER, 2024

R. E. ABURILI

JUDGE

