



**Ligosi & another v Oduor (Civil Appeal E039 of 2022)
[2024] KEHC 11290 (KLR) (25 September 2024) (Directions)**

Neutral citation: [2024] KEHC 11290 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CIVIL APPEAL E039 OF 2022
RE ABURILI, J
SEPTEMBER 25, 2024**

BETWEEN

STEPHEN MIYANA LIGOSI 1ST APPLICANT

JOSEPH ONYANGO OSEMBO 2ND APPLICANT

AND

CAROLINE AKINYI ODUOR RESPONDENT

DIRECTIONS

1. I have perused the Notice of Motion dated 17th September 2024 filed under Certificate of urgency, the grounds, supporting affidavit and annexures.
2. I observe that whereas the applicants in Prayer 2 of the Notice of Motion prays for stay of execution of decree for costs in Bondo PMCC No. 148 of 2019, they have also mixed with the prayer for stay of execution for costs on appeal in Siaya HCCA No. E039 of 2022.
3. The Magistrate's court cannot execute costs on appeal and neither can the High Court on appeal execute for costs of the Magistrate's court.
4. This court cannot, on appeal, handle both matters at the same time as that amounts to abuse of court process.
5. I decline to certify the application as urgent. I direct the Applicant to serve the Respondents with the application for interpartes directions on 16th October 2024.
6. These directions to be served upon the Applicant's counsel forthwith.

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

R. E. ABURILI



JUDGE

