



**Okello v Kemboi (Civil Appeal E215 of 2024)
[2024] KEHC 13506 (KLR) (31 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 13506 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CIVIL APPEAL E215 OF 2024
MS SHARIFF, J
OCTOBER 31, 2024**

BETWEEN

DAVID OKELLO APPELLANT

AND

RONALD KEMBOI RESPONDENT

RULING

1. I have considered the notice of motion dated 21.10.24, the supporting affidavit of David Okello sworn on even date and the enclosures therein and I have also considered the oral submissions of Mr. Ongonga Counsel for the Appellant/Applicant while noting that the application is unopposed albeit duly served as evidence by the return of service sworn by James Ongenga on 30th October, 2024.
2. I find that the application is well merited and I therefore allow it and make the following orders:-
 1. An order of stay of execution is issued against the judgment in Kisumu SCCC No. E0657/2024 pending the hearing and determination of the appeal herein on the following conditions:-
 - a. The appellant is ordered to deposit the entire judgment sum of Kshs.250,000 plus costs of Kshs.63,000 making it a total of Kshs.313,000 in a joint interest earning account of parties' advocates with a reputable bank within 45 days from the date hereof.
 - b. In the even of default the stay orders shall automatically lapse and the Respondent shall be at liberty to execute.
 2. The appellant shall bear his own costs of this application.
 3. This appeal is admitted for hearing in Kisumu for 1 day before 1 Judge.



4. The appellant is directed to file and serve his record of appeal within 14 days from the date hereof and his submissions within 21 days from this date.
5. The respondent is directed to file and serve his submissions within 28 days from the date hereof.
6. Hearing of the appeal shall be on 5.12.24.
7. Notice of the above directions to be served upon the Respondent by the Appellant.

DELIVERED, SIGNED AND DATED THIS 31ST DAY OF OCTOBER, 2024.

M. S. SHARIFF

JUDGE

