



**Mang'ula t/a Alfabetty Enterprises v Indimuli & another (Civil Appeal
41 of 2020) [2023] KEHC 2613 (KLR) (24 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2613 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CIVIL APPEAL 41 OF 2020
WM MUSYOKA, J
MARCH 24, 2023**

BETWEEN

**ALFRED ANEKEYA MANG'ULA T/A ALFABETTY
ENTERPRISES APPELLANT**

AND

**PAUL INDIMULI 1ST RESPONDENT
PRIMUS HOLDINGS LIMITED 2ND RESPONDENT**

*(An appeal arising from the judgment and decree of the Hon. W Lopokoiyit,
Resident Magistrate, in Kakamega SPMCCC No. 84 of 2012 of 30th July 2020)*

RULING

1. On 4th February 2022, I delivered a judgment herein. Costs were thereafter taxed at Kshs. 126, 375.00, and a certificate to that effect issued. Execution ensued.
2. The Motion, dated 7th June 2022, was provoked by the execution. It seeks stay of execution, on grounds that the same is premature, and the setting aside of the taxation.
3. I heard the application on 18th July 2022. Mr. Balusi and Ms. Nafuye addressed me, on behalf of the parties.
4. I am not persuaded that any grounds exist for setting aside of the taxation of costs, and for stay of execution. The best I can do is to give the respondents 90 days to settle the decree in full, which I hereby do, in default of which the appellant shall have liberty to levy execution.
5. The application, dated 7th June 2022, is disposed of in those terms.

**DATED, SIGNED and DELIVERED IN OPEN COURT AT KAKAMEGA THIS 24th DAY OF
March 2023**



W. MUSYOKA

JUDGE

Mr. Erick Zalo, Court Assistant.

Mr. Balusi, instructed by Balusi & Smart, Advocates for the appellant.

Mr. Munyendo, instructed by Akwala & Company, Advocates for the respondents.

