



REPUBLIC OF KENYA



KENYA LAW
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**Ali v Wachiuri (Civil Appeal E764 of 2021)
[2022] KEHC 9964 (KLR) (Civ) (30 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 9964 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CIVIL

CIVIL APPEAL E764 OF 2021

JN MULWA, J

JUNE 30, 2022

BETWEEN

IDID FAUZUI ALI APPELLANT

AND

EDWARD MUHORO WACHIURI RESPONDENT

*(Being an appeal from the Ruling and Order of Hon. P. M. Wambugu (PM),
delivered on 28th October 2021 in Milimani CMCC No. E4721 of 2020)*

RULING

1. The Appellant approached this court vide a Notice of Motion dated 25th November 2021 seeking a stay of execution of the judgment in Milimani CMCC E4721 of 2020 pending the hearing and determination of her appeal against a ruling delivered in the said suit by Hon. P. M. Wambugu (PM) on 28th October 2021.
2. The Respondent opposed the application by way of a Replying Affidavit sworn on 11th January 2022.
3. However, when the application came up for hearing on 17th May 2022, the parties' agreed by consent to deposit the decretal sum in an interest earning account as security while the Appellant pursues her appeal.
4. For that reason, the court allows the Appellant's application. There shall be a stay of execution of the judgment and decree in Milimani CMCC E4721 of 2020 pending the hearing and determination of this appeal, subject to the decretal sum of Kshs. 931,167.56/- being deposited in a joint interest earning account in the names of the parties' advocates within 30 days from the date of this ruling. In default execution shall issue. There shall be no order as to costs.

Orders accordingly.



DELIVERED DATED AND SIGNED AT NAIROBI THIS 30TH DAY OF JUNE 2022.

J. N. MULWA

JUDGE.

