



Kenya Orient Insurance Limited v Kijala (Suing as the Administrator of the Estate of Jackshan Mwawango Disii - Deceased) (Civil Appeal E015 of 2022) [2022] KEHC 17195 (KLR) (3 August 2022) (Ruling)

Neutral citation: [2022] KEHC 17195 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
CIVIL APPEAL E015 OF 2022
A. ONG'INJO, J
AUGUST 3, 2022**

BETWEEN

KENYA ORIENT INSURANCE LIMITED APPELLANT

AND

FELISTUS EVAH KIJALA RESPONDENT

**SUING AS THE ADMINISTRATOR OF THE ESTATE OF JACKSHAN
MWAWANGO DISII - DECEASED**

(Being an appeal from the ruling of the Principal Magistrate Hon. C.K. Kitinji in Voi CMCC No. E116 of 2021 delivered on 28th March 2022)

RULING

1. Application dated April 1, 2022 is brought pursuant to sections 1A, 1B and 3A of the [Civil Procedure Act](#) and order 42 rule 6 and order 9 rule 10 of the [Civil Procedure Rules](#) seeking orders of stay of execution of *ex parte* judgment issued in Voi CMCC No E116 of 2021 (declaratory suit) pending the hearing and determination of appeal herein).
2. The application was supported by the grounds on the face of the application as well as the affidavit of Amin Said Ameen sworn on April 1, 2022. This application was opposed and submissions were ordered to be filed to dispose of the application.
3. This court has considered the application the replying affidavit and the submissions by respective parties and based particularly on the applicants undertaking to deposit security this court hereby orders that the applicant and respondents advocates to open a joint interest earning account into which the decretal sums should be deposited within 21 days from the date of this ruling.



4. In the meantime the Deputy Registrar to ensure that records from the lower court are availed to ensure the appeal is processed for hearing and determination.
5. Mention on September 13, 2022.

Dated, signed and delivered at Mombasa in open court/online by MS TEAMS, this 3rd day of August 2022

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of:-

Ogwel- Court Assistant

..... Advocate for Respondent

..... Advocate for Applicant/Appellant

Hon. Lady Justice A. Ong'injo

Judge

