

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CIVIL CASE NO.02 of 2019

JOHN NJOGU.....PLAINTIFF

V E R S U S

INVESCO ASSURANCE COMPANY LIMITED.....1ST DEFENDANT

JOSEPH OUMA NYACHOKO.....2ND DEFENDANT

R U L I N G

1. The Application coming for consideration in this ruling is dated 2/7/2020 seeking the following orders:-

(i) THAT the service of the application be dispensed with in the first instance.

(ii) THAT pending the hearing of and determination of this application, there be extension of the orders of this Honourable issued on the 8th of July, 2019 by this Honourable Court stay execution of the Decree and all consequential orders of the Honourable Court issued in Kericho Chief Magistrate's Court Civil Suit Number 462 of 2014.

(iii) THAT the ruling of this Court delivered on 18th July, 2019 be set aside and/or reviewed and the Plaintiff/Applicant be granted extension of time for the hearing and determination of this case.

(iv) THAT pending the hearing of and determination of this suit, there be extension of the orders of this Honourable issued on the 8th of July, 2019 by this Honourable Court issued in Kericho Chief Magistrate's Court Civil Suit Number 462 of 2014.

(v) THAT the costs of this application be provided for.

2. The Application is based on the grounds on the grounds of the Application and supported by the Affidavit of **JOHN NJOGU**, the Applicant of even date in which he has stated that he was not able to comply with the timelines granted by the court due to closure of the Courts due to the Covid-19 Pandemic.

3. The Application is not opposed since the Respondents did not file any response.

4. I take Judicial Notice of the circumstances that were prevailing in the Courts due to the Covid-19 Pandemic that paralyzed Court operations.

5. I allow the Application dated 2/7/2020 and extend the period by 30 days. I direct that the Plaintiff/Applicant takes a date in the Registry within 14 days of this date.

6. Stay of Execution is granted pending the hearing and determination of this suit.

Delivered, signed and dated at Kericho this 29th day of January, 2021.

A. N. ONGERI

JUDGE