



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**CIVIL APPEAL NO. 767 OF 2019**

**FUAD HUSSEIN MOHAMED.....APPELLANT**

**VERSUS**

**ADAN ISAACK IBRAHIM .....RESPONDENT**

**RULING**

By an application dated 20<sup>th</sup> July, 2020 the appellant requested

for extension of interim orders earlier issued in this matter, and a review of the order or ruling made on 18<sup>th</sup> June, 2020. In that ruling, the court gave an order for stay of execution on condition that the decretal sum is deposited in court within 30 days from that date.

The appellant did not comply, and in the present application there is a prayer that time be enlarged within which to comply with the said order, and that the decretal sum be deposited in court within three months.

Several reasons have been advanced by the applicant to which there is a reply on behalf of the respondent in opposition to the application. Both parties have also filed submissions which I have considered.

It is important to note that the extension of time and the stay order was requested for way back in July, 2020. We are now in the month of February, 2021 which is about six months from the time the application was filed. If it was true that the applicant made the application in good faith in asking for three months, an offer ought to have been made in or about the month of November, 2020. No such offer was made as there is no evidence to that effect; and if any existed, the applicant would have said so.

The foregoing notwithstanding, to demonstrate good faith let the applicant deposit the decretal sum in court within fourteen (14) from the date of this ruling. Stay of execution is extended by the same period. The respondent shall have the costs of this application.

**Dated, signed and delivered at Nairobi this 11<sup>th</sup> day of February, 2021.**

**A. MBOGHOLI MSAGHA**

**JUDGE**