

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISII

CIVIL SUIT NO.10 OF 2014

GORASIYA HITESH RANJL.....1ST PLAINTIFF/RESPONDENT

TANJI KALYAN GOROSIA T/A RAYYOG ENTERPRISES.....2ND PLAINTIFF/RESPONDENT

VERSUS

ANIL TAILOR.....1ST DEFENDANT/APPLICANT

IMPERIAL PRIMARY SCHOOL.....2ND DEFENDANT/APPLICANT

RULING

1. The applicant seeks orders for extension and an enlargement of time within which they can comply with the orders issued on the 10/12/2019 and in particular deposit and/or renewal of the Bank Guarantee that explained on the 24/1/2021.
2. The matter was canvassed orally. I have considered the said oral submissions. What the applicant seeks to cure is what this court pointed out in its Ruling dated 1/7/2021. It is obvious that if the applicant does not deposit an appropriate Bank Guarantee then the plaintiff, may proceed with the execution proceedings.
3. The matter in my view is not re judicata nor is the court functus officio nor am I rewriting the contract between the parties. The court's Ruling of 1/7/2021 was very clear. Therefore, to enable the applicant fully comply with the orders of stay of execution the applicant is granted 14 days to deposit a Bank Guarantee. Costs be in the cause.

DATED, SIGNED AND DELIVERED AT KISII THIS 30TH DAY OF JULY 2021

R.E. OUGO

JUDGE

In the presence of:

Mr. Kipngetich For the Defendants/Applicants

Mr. Mogusu For the Plaintiffs/Respondents

Mr. Orwasa Court Assistant