



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**CIVIL APPEAL NO. 41 OF 2021**

**(ORIGINATING FROM BUNGOMA HCCA 48/2018)**

**(CONSOLIDATED WITH BUNGOMA HCCA NO. 49, 50 & 51 OF 2018)**

**AUTO SELECTION (K) LIMITED.....APPELLANT/APPLICANT**

**VERSUS**

**EDMOND SHIUNDU ALELE.....1<sup>ST</sup> RESPONDENT**

**PETER NJOROGE NGANGA.....2<sup>ND</sup> RESPONDENT**

**DIRECTIONS**

1. I have perused the applications filed by the applicant seeking to be heard during the recess and the one seeking for stay of execution of the taxed costs.
2. I have also perused the email dated 24/12/2021 from the Hon. Deputy Registrar, Bungoma High Court addressed to the parties to the appeals herein 48-51 of 2018 wherein the Deputy Registrar informs counsel that there are no orders of taxation issued on 26/11/2021 in the subject Appeal files.
3. I am not satisfied that there is any urgency involved in these matters as there are no orders capable of execution. Only Certificates of Taxation are capable of being executed in matters costs only. No such certificates are on record. I have also not seen any warrants of attachment and sale or proclamation issued by the court to the Court Bailiff or Auctioneer.
4. I find the applications not supported by material to warrant consideration during the recess under Certificates of Urgency. I decline to certify the matters for consideration during the recess and return the files back to Bungoma High Court. The Applicant to liaise with the Deputy Registrar, Bungoma High Court on the next steps in the matter.
5. The file is closed from our end at Siaya High Court.
6. These proceedings to be submitted to the Deputy Registrar Bungoma High Court.
7. High Court forthwith.
8. I so direct.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 29TH DAY OF DECEMBER, 2021**

**R.E. ABURILI**

**JUDGE**