

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISC. CIVIL CASE NO. 62 OF 2021

(ORIGINATING FROM KISUMU MISC. CIVIL APPLICATION NO. 55/2019)

ALICE NYOMENDA (OERI & CO. ADVOCATES).....APPLICANT

VERSUS

SILVANUS OSOBO ONYIEGO.....RESPONDENT

RULING

1. I have considered the application seeking leave to be heard during the recess. I grant leave to be heard during the recess. On the main application for stay, I am not satisfied that any urgency is disclosed. I decline to certify it as urgent for reasons that the orders which are sought to be stayed are in execution of a decree which matter was settled by a consent order of 13th November 2021 and there is no order varying the said consent.
2. I direct the Applicant to serve the Respondent with the application for consideration by the trial court in the ordinary course of business in the next term and may, in the intervening period approach the Respondent for an amicable settlement.
3. The file is returned to Kisumu High Court for further directions in the new term, a date to be given by the Deputy Registrar, Kisumu.
4. Orders accordingly.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 23RD DAY OF DECEMBER, 2021

R.E. ABURILI

JUDGE