



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KAKAMEGA**

**CIVIL SUIT NO. 27 OF 2018**

**GEORGE PB OGENGO.....PLAINTIFF**

**VERSUS**

**JAMES NANDASABA.....1<sup>ST</sup> DEFENDANT**

**MARTIN WANYONYI.....2<sup>ND</sup> DEFENDANT**

**KENNEDY WEPULHULU.....3<sup>RD</sup> DEFENDANT**

**THE STANDARD LTD.....4<sup>TH</sup> DEFENDANT**

**CENTRE FOR HUMAN RIGHTS & DEMOCRACY (CHRD).....5<sup>TH</sup> DEFENDANT**

**RULING**

1. What I am called upon to determine is an application dated 20<sup>th</sup> April 2021, for stay of execution pending appeal.
2. The impugned judgment was delivered on 12<sup>th</sup> February 2021. A notice of appeal was lodged herein on 22<sup>nd</sup> February 2021, within the fourteen days allowed under Rule 59 of the Court of Appeal Rules. The plaintiff then wrote to the court on 15<sup>th</sup> February 2021, asking for certified copies of the proceedings and ruling.
3. The application is opposed, and there are grounds of opposition that have been filed, essentially saying that sufficient cause has not been shown.
4. The plaintiff has taken all the preliminary steps in preparation for filing an appeal at the Court of Appeal. I believe justice of the situation favours *status quo* being maintained, to facilitate the hearing and disposal of the appeal, for an aggrieved party is entitled to a second opinion from an appellate court.
5. Consequently, I do hereby allow the application, dated 20<sup>th</sup> April 2021. The stay order shall be on condition that the appellant deposits the entire judgment amount in court, within the next thirty days, of the date of this order, in default of which the stay order shall lapse.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT KAKAMEGA THIS 20<sup>th</sup> DAY OF DECEMBER 2021**

**W. MUSYOKA**

**JUDGE**

**In the presence of:-**

**Erick Zalo – Court Assistant**

**N/A for the parties**