



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT KISUMU**  
**CIVIL APPEAL NO. 3 OF 2019**  
**THE ESTATE OF FREDRICK ADERO ODIERO - DECEASED**  
**MONICA AKOMO ODAYO & STEPHEN O. ONGOYA..... OBJECTORS/APPLICANTS**  
**VERSUS**  
**EZEKIEL ODIERO ADERO.....PETITIONER/RESPONDENT**

**23<sup>rd</sup> April 2020**

Coram: Ochieng – J.

Court Assistant: Maureen Ojala

**RULING**

**Court**

1. The Objectors seek Stay of Execution of the Orders made by the trial court on 6<sup>th</sup> October 2019.
2. By the said Orders, the trial court dismissed the Objectors' application dated 23<sup>rd</sup> October 2018, which had been amended on 14<sup>th</sup> November 2018.
3. In the absence of further explanations and clarifications, this court is unable to appreciate how the orders dismissing the Objectors' application is capable of execution.
4. I direct that the Respondents be served with the application for stay of execution.
5. The Objectors shall serve the Petitioner, together with an email address, at which subsequent pleadings, orders etc. shall be served.
6. Mention on 29<sup>th</sup> April 2020 for further Directions.
7. Upon service, the Respondent shall provide the Court and the Objectors with an email address, at which service will thereafter be effected.
8. The requirement for email addresses arises from the current circumstances prevailing in Kenya, where the Corona-Virus Pandemic has led to rules barring litigants from accessing the Court House.
9. Parties are directed to suggest such Further Directions as will enable the court deal with the application expeditiously.

In the meantime, parties are informed that the court will most probably require them to canvass the application by way of written submissions.

**DATED, SIGNED and DELIVERED at KISUMU This 23<sup>rd</sup> day of April 2020**

**FRED A. OCHIENG**

**JUDGE**