

REPUBLIC OF KENYA

AT THE HIGH COURT OF KENYA AT SIAYA

MISCELLANEOUS CIVIL CASE NO. E1 OF 2020

DUNCAN ONYANGO ODERA.....APPLICANT

VERSUS

MARY ADHIAMBO WASONGA.....1ST RESPONDENT

ELIUD OTIENO ODINGO (*Suing as the Legal Representative of the Estate of*

BENARD OOKO OTIENO ALIAS

BENARD OTIENO ODERO (*Deceased*)2ND RESPONDENT

RULING

1. The court has guided the counsel on record regarding delving into substances of whether or not the insurance company can pay more than Kshs. 3 million as that is a substantive issue which this court has made a decision upon before and which thus would not deliberate on in this miscellaneous application.
2. It is following the guidance by the court that counsel have agreed to deliberate on the period for extension of time for compliance.
3. I have considered both counsel's submissions on the appropriate timeliness for extension. The original timelines lapse today. That means that if there has been no compliance, it is unlikely that there shall be compliance today.
4. Since the Applicant has sought exercise of court's discretion in extending time which discretion is unfettered as stipulated under Order 50 Rule 6 of the Civil Procedure Rules, I hereby exercise discretion and grant to the Applicant enlargement of time within which to comply with the orders of 14/10/2020 which are lapsing today. The Applicant has 10 days more from today within which to comply with the conditional stay.
5. Accordingly, the stay in Siaya PMCC 89/2019 is extended by a further 10 days of today to enable the applicant comply with the orders of 14/10/2020 and in default, execution to issue. This order resolves all the issues raised in the application dated 26/10/2020. Accordingly, this file is closed.
6. Orders accordingly.

Dated, signed, delivered at Siaya this 28th day of October 2020

R.E. ABURILI

JUDGE