



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MERU

CIVIL APPEAL NO. 124 OF 2019

CONSOLIDATED BANK OF KENYA.....APPELLANT

VERSUS

CAROLINE GACHERI.....1ST RESPONDENT

THE ATTORNEY GENERAL.....2ND RESPONDENT

(Being an Appeal from the Judgement and decree of Honourable O. Wanyaga, SRM in Maua CMCC No. 121 of 2015 dated 30.8.2019 and delivered and read by Hon C.K. Obara, PM 12.9.2019)

RULING

1. Application dated 7th October 2019 filed by appellant seeks for orders of stay of execution of order and/or decree in Maua CMCC No. 121 of 2015 pending hearing and determination of the appeal herein.
2. The application was supported by the affidavit of Isayah Mwenda Mwarania Advocate sworn on 7th October 2019.
3. The 1st Respondent by a Replying Affidavit sworn on 22nd October 2019 opposed the application .
4. I have considered the applicants application for staying of execution and opposition by 1st Repondent and find that it will serve the ends of Justice if the applicant deposits Kshs 800,000/= in a joint interest earning account in a bank to be agreed on by the parties within 14 days pending the hearing and determination of the appeal herein.
5. Costs of the application to be borne by the applicant.

HON A.ONG'INJO

JUDGE

RULING DELIVERED, DATED AND SIGNED IN COURT ON 21ST NOVEMBER 2019.

In the presence of:

CA:- Kinoti

Appellant:- Mr Gichunge Advocate holding brief for Mwenda

Mwarania Advocate for Appellant

1st Respondent:-Present in person

2nd Respondent:-No appearance

Mention 26.2.2020 to confirm records of appeal filed and served.

Deputy Registry to call for Lower court file.

HON A.ONG'INJO

JUDGE