



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KISII**

**CIVIL APPEAL NO. 28 OF 2018**

**BETWEEN**

**STACY MWIKALI .....1<sup>ST</sup> APPELLANT**

**ISMAIL NYAKUNDI ONSINYO (BOTH T/A LIGHTHOUSE DESIGNS).....2<sup>ND</sup> APPELLANT**

**AND**

**ROSE OBAGA..... RESPONDENT**

**(An Appeal arising from the Ruling and Order dated 14<sup>th</sup> March 2018 in Chief Magistrate's Court at Kisii in Civil Suit No. 113 of 2017 by Hon. Nathan Shiundu Lutta SPM)**

**RULING**

In essence, the two applications before me by the appellants and respondent are a fight on whether the court should grant orders of stay pending appeal following Judgment entered against the appellants. I have considered the same and I shall order a stay pending appeal on terms that the appellants shall deposit Kshs. 300,000/= in court within 30 days. The stay shall be tenable for six months and shall lapse unless otherwise renewed.

**D.S MAJANJA , J**

**19/6/2018**

**Court:** Ruling read and delivered in open court.

**D.S MAJANJA, J**

**19/6/2018**