

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISII

CIVIL CASE NO. 378 OF 1997

JEMIMA MORAA SOBU.....PLAINTIFF/RESPONDENT

VERSUS

TRANS-NATIONAL BANK (K) LTD....DEFENDANT/ APPLICANT

RULING

Judgment in this matter was entered for the Plaintiff against the Defendant for the sum of Ksh. 750,000/= on 16th May 2018. The Defendant now seeks to stay execution by the Notice of Motion dated 21st May 2018 by, in effect, restraining the release of Ksh. 501,500/= deposited in court on 3rd June 2002.

I am satisfied that no basis has been laid to grant an order of stay as there is no appeal preferred. Further, there is no basis for preventing the Plaintiff from realizing the fruits of her Judgment. It is also apparent that by an order dated 4th October 2011, Sitati J., ordered the release of Ksh. 501,500/= deposited as security to the firm of Omwega and Company Advocates.

The Notice of Motion dated 21st May 2018 is dismissed with costs.

D.S Majanja

Judge

14/6/2018

[Ruling read and delivered in open Court]

D.S Majanja

Judge

14/6/2018