



**REPUBLIC OF KENYA**

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

**CRIMINAL MISC. APPL. NO. 58 OF 2018**

**(CORAM: R. E. ABURILI – J)**

**TOBIUS OYUGI ..... APPLICANT**

**VERSUS**

**ISMAEL NASUR ALI ..... RESPONDENT**

***(KISUMU FILE NO. 58 OF 2018 FORWARDED FOR HEARING BY D.R. KISUMU BEFORE VACATION DUTY COURT - SIAYA)***

**RULING:**

I have heard the Appellant/Applicant on the application dated 23.8.2018. I have considered the Application dated 23.8.2018. I have considered the Application for stay pending appeal. I am satisfied that the matter is urgent and ought to be heard expeditiously in the first instance.

I certify it as urgent. On the prayer for stay, I note that the Applicant seeks for exparte orders in the first instance.

I direct the Applicant to serve the Respondent with the Application for interpartes hearing on 11.9.2018 before Hon. Justice F. Ochieng Presiding Judge, Kisumu High Court during the recess.

In the interim, the Applicant shall have a temporary stay of execution order, staying judgment delivered on 5<sup>th</sup> June, 2018, in Rent Restriction Tribunal Case No. 2 of 2018, until the Application for stay is heard interpartes. Orders to be send on the Auctioneers and Respondent.

Orders accordingly.

**Delivered, Dated and Signed this 28<sup>th</sup> day of August, 2018.**

**R. E. ABURILI**

**JUDGE**