

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITALE

CIVIL APPEAL NO. 26 OF 2017

(Being an Appeal from the Judgment and Decree in Kitale Chief Magistrate's Court in Civil Suit No. 346 of 2015 delivered by Hon. V.O. Adet Senior Resident Magistrate

CHINA JIANGXI INTERNATIONAL LTD.....APPELLANT

VERSUS

FESTUS MURIITHI GITONGA.....RESPONDENT

R U L I N G

1. The court has perused the application dated 20/9/2018 together with the supporting affidavit. The court has also perused the grounds of opposition and the replying affidavit by the Respondent.
2. The said application for stay pending appeal is hereby dismissed for the simple reason that the Applicant has not demonstrated that the Respondent is a man of straw and is incapable of refunding the half decremental amount as ordered by the trial court to be paid to him.
3. Secondly I do not find the reasons advanced by the trial court as conditions for stay pending appeal so unreasonable.
4. The application is otherwise dismissed. The costs shall abide the appeal.

Orders accordingly.

Delivered, signed and dated at Kitale on this 29th day of October, 2018.

H.K. CHEMITEI

JUDGE

29/10/18

In the presence of:

Bisonga holding brief for Appellant.

No appearance for Sifuna

Court Assistant - Kirong

Ruling read in open court.