



**REPUBLIC OF KENYA**

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

**CIVIL APPEAL NO. 37 OF 2014**

**I O M.....APPELLANT**

**VERSUS**

**P D M .....RESPONDENT**

**RULING**

1. The Motion I am called upon to decide is dated 28<sup>th</sup> May 2014. It seeks stay of the ruling issued by the Children’s Court on 16<sup>th</sup> May 2014.
2. I note from the Motion that it is not indicated the particular children’s case where the offending ruling was made. The alleged case or court file number is not cited and therefore there is uncertainty as to the cause in which the ruling was delivered.
3. I have perused the memorandum of appeal dated 23<sup>rd</sup> May 2014. The same does not state with any amount of certainty the children’s cause in which the ruling of 13<sup>th</sup> May 2014 was delivered.
4. The application before me seeks stay of a ruling, yet a copy of the alleged ruling is not attached to the affidavit sworn in support of the application, what is attached instead is an order made on 13<sup>th</sup> May 2014. “Order” and “ruling” do not refer to the same thing. What ought to be stayed is the order in the ruling, not the ruling itself!
5. As framed, the Motion dated 28<sup>th</sup> May 2014 is vague and misconceived. No orders can properly be granted on its basis. Consequently, I do hereby strike the same out. The respondent shall have the costs of the application.

**DATED, SIGNED and DELIVERED at NAIROBI this 29<sup>TH</sup> DAY OF MAY, 2015.**

**W. MUSYOKA**

**JUDGE**

**In the presence of .....advocate for the appellant.**

**In the presence of ..... advocate for the respondents.**