



**REPUBLIC OF KENYA**

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

**MISC APPLICATION NO. 13 OF 2014**

**STEPHEN MUTHAMIA MARETE.....1ST APPLICANT**

**DAVID GATOBU MARETE.....2ND APPLICANT**

**JULIUS MURITHI MARETE.....3RD APPLICANT**

**VERSUS**

**PATRICK KINYUA M'IRINGO.....RESPONDENT**

**R U L I N G**

This matter came up for directions on 9.4.2014 when the parties confirmed that they had filed their submissions and wanted the court to give a date when it would deliver the ruling.

Mr. Kiambi for the applicant made an oral application for a temporary stay pending delivery of the ruling as the applicant feared that there was a high likelihood of the execution of the judgment in the lower court. He opined that should this happen then this application would be rendered nugatory and be vain.

Mr. Muthomi opposed the oral application. He opined that a formal application should have been made to allow the parties to respond adequately. He also stated that the oral application should not be allowed as the applicant had not appealed but was merely seeking leave to appeal.

I have considered the able submissions of both advocates. I do note that the court's Easter Vacation is starting tomorrow (10.4.2014). This has the effect of delaying delivery of the apposite ruling. In the circumstances, I grant an order of stay of execution of the Judgment/Decree in Meru CMCC No. 358 of 1998 pending delivery of the ruling concerning the Applicants' application dated 24th March, 2014.

It is so ordered. Costs shall be in the cause.

Delivered in Open Court at Meru this 9th Day of April, 2014 in the presence of:

Cc Daniel

Kiambi h/b Inoti for the applicants

B. Muthomi – present for the Respondent

**P. M. NJOROGE**

**JUDGE**