

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MOMBASA

CIVIL APPEAL NO. 48 OF 2014

JARINE INVESTMENT LIMITEDAPPELLANT

-V E R S U S-

MITCHELL COTTS FREIGHT (K) LTD RESPONDENT

(Being an appeal from the Ruling made and or Orders by the Honourable S. K. Gacheru, Principal Magistrate made on 14th day of March 2014 in Mombasa Chief Magistrate's Court Civil Case No. 1170 of 2013)

RULING

1. The Notice of Motion dated 12th May 2014 was unopposed by the Appellant, though served with a Hearing Notice.
2. Having considered the said application the orders that commend themselves to me are as follows-
 - i. **The Appellant shall provide Kshs. 3,026,000/- which amount shall be banked in a joint account of both Advocates until further orders of the Court.**
 - ii. **If Appellant does not provide said amount within fourteen (14) days from today's date the stay of execution of the judgment in CMCC Mombasa No. 1170 of 2013 shall automatically be lifted and be set aside.**
 - iii. **The Respondent is awarded costs of Notice of Motion dated 12th May, 2014.**

Orders accordingly.

DATED and DELIVERED at MOMBASA this 21ST day of MAY, 2014.

MARY KASANGO

JUDGE