



REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Civil Appeal 187 of 2011

Editorial Summary

1. *Civil Appeal*
2. *Business Premises Rent Tribunal*
3. *Subject of Tribunal hearing*
 - i) *Rent assessment*
4. *Application 8th June 2011*
 - a) *Application for stay of execution pending appeal filed on 26th April 2011 against the decision of Tribunal of 25th March 2011.*
5. *Respondent absent*
6. *Held:*
 - a) *Stay granted*
7. *Case Law:*
8. *Advocates :*
 - i) *M/s C. Muriithi & Co Advocates for the appellant/tenant – present*
 - ii) *M/s Kerongo & Co Advocates for the respondent/landlord*

JUSTUS GITUMA T/A DONA SNACKS APPELLANT/ TENANT

VERSUS

**KENYA RAILWAYS WORKERS UNION RESPONDENT/
LANDLORD**

(Being an appeal from the Judgment of D. Mochache Chairperson

Business Premises Rent Tribunal in BPRT No. 387 of 2008 at Nairobi dated

25th March 2011)

RULING

***Application for Stay of Execution
Pending appeal dated 8th June 2011***

I. INTRODUCTION

1. Being dissatisfied with the decision of the Business Premises Rent Tribunal on assessment of rent that was delivered on 25th March 2011 the applicant appellant filed an appeal against the respondent/landlord on the 26th April 2011.

2. By an application of 8th June 2011, the said appellant/tenant prayed that there be a stay of execution.

II APPLICATION 8TH JUNE 2011

3. The applicant notified this court that a deposit of Ksh. 200,000/- had already been deposited as ordered by the duty judge.

4. The issue that intends to be heard is on the calculation of the rent assessment before that tribunal. If made to pay there would irreparable loss.

5. There was no reply by the respondent/landlord.

III FINDINGS

6. The court herein is satisfied that there be stay of execution pending appeal on the decision dated 25th March 2011 delivered by the Business Premises Rent Tribunal till the finalization of this appeal.

7. There will be costs in the appeal.

DATED THIS 28th DAY OF June 2012 AT NAIROBI

M.A. ANG'AWA

JUDGE

Advocates :

i) *M/s C. Muriithi & Co Advocates for the
appellant/tenant – present*

ii) *M/s Kerongo & Co Advocates for the*

respondent/landlord