



REPUBLIC OF KENYA

High Court at Mombasa

Civil Case 470 of 2011

AHMED MOHAMED AHMED PLAINTIFF

VERSUS

AHMED MOHIDEEN 1ST DEFENDANT

KENYA UNITED STEEL COMPANY LIMITED(2006) LIMITED2ND DEFENDANT

RULING

By this Notice of Motion dated 10th October 2012 filed under Certificate of Urgency the Applicant seeks inter alia the following orders:

“That there be a Stay of Execution of the Ruling and Order made on 14th September 2012 pending the Hearing and determination of the Applicants Appeal to the Court of Appeal.”

By consent it was agreed that the application be disposed of by way of written submissions. Both sides having duly filed and served their written submissions the matter is now pending this court’s ruling.

The ruling in contention is the ruling made by this court on 14th September 2012. In that ruling the court directed that the Applicant deposit a sum of Kshs.1,000,000/- as security for costs in a joint interest earning account held by counsel for both the Applicant and the Respondent. The proceedings in HCCC 470/2011 were stayed pending compliance by the Applicant with those orders to furnish security for costs. Instead of so complying the Applicant proceeded to file an appeal against that decision and this present application. In his application the Applicant states that he is willing to deposit security as directed by the court.

I have carefully considered the written submissions filed by both counsel in this matter. I am not persuaded of the merit of this application. The Applicant has failed to establish what nature of substantial loss he is likely to suffer if the stay is not granted. As such I do dismiss this present application with costs to the Respondent.

Dated and Delivered in Mombasa this 10th day of December 2012.

**M. ODERO
JUDGE**

In the presence of:

Mr. Khatib for Plaintiff/Applicant

Mr. Simiyu holding brief for Respondent

COURT

The Applicant is allowed 30 days to comply with court's orders on security.

M. ODERO

JUDGE

10.12.2012