



**REPUBLIC OF KENYA**

**High Court at Nairobi (Nairobi Law Courts)**

**Civil Suit 226 of 2012**

**ROYAL MEDIA SERVICES LTD .....APPLICANT/APPELLANT**

**VERSUS**

**ERIC ACHORI NYAMANGA ..... RESPONDENT**

**RULING**

The application before the court is the Notice of Motion filed by the Appellant and dated 9.5.2012. It seeks a stay of execution pending the determination of this appeal. An interim stay was granted and is in place pending this ruling.

The lower court judgment was delivered on 20.4.2012. This application was filed on 9.5.2012, within a period of about 19 days.

While granting the interim stay now in place, this court ordered that the applicant/appellant do deposit the whole decretal sum of Kshs.2,200,000/- which was duly deposited. It will earn interest while the determination of the appeal is awaited if the same is transferred into an interest-earning account in a bank, and will provide the complete security or assurance of security to either party as each waits to win the appeal and take the funds.

In the above circumstances a stay will not prejudice the decree-holder to any serious extent while, on the other hand, the appellant will be allowed to have his day in court, especially since he filed this application timeously.

In the above circumstances, this court is persuaded that it will be proper and reasonable to grant a stay of execution on the following terms:-

**ORDERS**

1. Application is granted
2. Stay of execution of the decree is granted on condition that the sum of the decretal sum of Kshs.2,200,000/- now deposited in court is transferred to an interest earning joint bank account run by Counsel of both parties, within 15 days, authority of which is hereby granted.
3. The appellant shall file and serve a record of appeal within four (4) months.

DATED and DELIVERED at Nairobi this 7<sup>th</sup> day of December 2012

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**D.A. ONYANCHA**

**JUDGE**