



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT KERICHO**  
**CIVIL MISC. APPLICATION NO. 9 OF 2011**

**JOHN MUKEYA KITIABI.....APPLICANT**

**VS.**

**COLLETA NMASINDE.....RESPONDENT**

**RULING**

I have perused the Notice of Motion dated 21/3/2011 and given due consideration to the prayer for an orders of stay of proceedings in Civil Case No. PMCC No. 159 of 2010 at Kericho and transfer of the said case to the Chief Magistrate Court at Kakamega. I have also given due consideration to the submissions made by Mr. F. O. Koko, learned Counsel for the Applicant, and Mr. D. O. Akinyi, learned Counsel for the Respondent.

I decline to grant the application which I hereby dismiss. I shall give my reasons for rejecting and dismissing the application on a date to be given to the parties through their advocates on record.

**DATED at KERICHO this 14<sup>TH</sup> Day of April,2011**

**G B M KARIUKI, SC**  
**RESIDENT JUDGE**

**COUNSEL APPEARING**

Mr. D.O. Akinyi, Advocate, for the Respondent  
Mr. F. O. Koko, Advocate, for the Applicant  
Mr. R. Koech, Court clerk