



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT EMBU

CIVIL APPEAL NO. 64 OF 2011

GODFREY MURIMI 1ST APPELLANT/APPLICANT
FRANCIS KAMAU MUREITHI.....2ND APPELLANT/APPLICANT
LUCY NDUTA KIARIE.....3RD APPELLANT/APPLICANT

VERSUS

MICERE GATIMU1ST RESPONDENT
STEPHEN MUTHIGANI.....2ND RESPONDENT
FREDRICK MUTHIKE.....3RD RESPONDENT
JOSPHAT CHOMBA.....4TH RESPONDENT

RULING

This application for review is not premised on any of the grounds under Order 45 rule 1B, that is:

- (a) the discovery of new and important mater or evidence;
- (b) mistake or error apparent on the face of the record; or
- (c) any other sufficient reason.

Secondly there is no order that was issued on 20th June 2011 that can be subject of review.

If the Applicants seek an interim order while awaiting the hearing of the substantive application for stay, which application should be heard on 19th July 2011, I ask that they deposit KShs.1,356,928/= which is the decretory sum for which execution was proceeding in the subordinate court before the application was filed here. I notice that the 1st Respondent in paragraph 8 of the replying affidavit is not averse to such a deposit. The amount to be deposited within 7 days from today.

The Applicants have to that extent been indulged and shall therefore pay the costs of this application.

DELIVERED, DATED AND SIGNED AT EMBU THIS 6TH DAY OF JULY, 2011.

A. O. MUCHELULE
JUDGE