



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MERU

HCCA 92 OF 2011

KIRIMI KIRERA.....1ST
APPELLANT/APPLICANT

FREDRICK KIRERA.....2ND
APPELLANT/APPLICANT

VERSUS

FLORENCE

THIRINDI.....RESPONDENT

RULING

The Application is dated 4th October 2011. It has been brought under Order 22 Rule 22 and 25 of the C Civil Procedure Rules. It seeks the following orders:-

- 1. That there be a stay of execution of the Judgment/Decree in the Meru CMCC No.114 of 2001 and all consequential Orders pending the hearing and determination of this Application.**
- 2. That there be a stay of execution of the Judgment/Decree in the Meru CMCC No. 114 of 2001 and all consequential Orders pending the hearing and determination of this Application.**
- 3. That there be a stay of execution of the judgment/decree in Meru CMCC No. 114 of 2001 pending the hearing and determination of this Appeal.**
- 4. That the cost of this Application be provided for.**

It is grounded on the following grounds:-

- (a) That the judgment in Meru CMCC No. 114 of 2001 was delivered on 13th July, 2011 by S.N.K Adriessen Principal Magistrate.
- (b) That in the said Judgment the learned Trial Magistrate gave declaration that the Respondent owns half of Plot No. KIENGU MARKET (hereinafter referred to as the suit property) and also awarded costs and interest of the Suit to the Respondent herein.

- (c) That the costs were assessed at the sum of Ksh.55,675/-
- (d) That on 11th August, 2011the Appellants Applicants filed the Appeal herein.
- (e) That there is imminent danger that the Respondent may execute the Decree herein thus rendering this Appeal nurgatory and of no consequence.
- (f) That the Applicants have a strong and arguable Appeal.

Dated Signed and delivered at Meru this 27th day of October 2011

LESIIT J.
JUDGE