

must be allowed to proceed without any threats of execution. On the other hand, the Plaintiff must be accorded security for his judgment pending the determination of the appeal. I find the prayer of stay pending appeal merited.

The application is partly successful. There shall be stay of execution pending hearing and determination of the appeal in terms of prayer (d) on condition that the Applicant deposits within sixty (60) days Ksh.900,000/= in an interest earning account in the names of the advocates for the parties. In default of depositing the said sum, the orders be vacated automatically. Costs in the cause.

F. N. MUCHEMI
JUDGE

Dated, Delivered and Signed 29 day of April 2010.
In the presence of Mr. Makokha for plaintiff .