



REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT EMBU

Civil Appeal 21 of 2009

ROSE WAMBUI WACHIRA.....APPELLANT

VERSUS

PETER MURIITHI MWAI.....RESPONDENT

**R U L I N G**

The application dated 3/6/2009 seeks only 1 prayer i.e;

***“ That the Honourable court be pleased to stay execution of the Judgment and or orders delivered on 26<sup>th</sup> January 2009 and all subsequent orders by the Senior Resident Magistrate Kerugoya in Civil Suit No. 261 of 2008 until the hearing and determination of this application inter parties.”***

As stated by counsel for the Respondent, there is no order seeking stay of execution until the appeal is heard and determined.

I have considered the application before me, the grounds on its faced and the rival affidavits. My finding is that the prayer sought will not prejudice the Respondent in any way- nor is it necessary to delve into the issues raised in detail.

I therefore allow the application and grant prayer 2 of the application as prayed.

Costs will be in the cause.

**W. KARANJA**

**JUDGE**

Delivered, signed and dated at Embu this 11th day of May 2010.

**In presence of:-Mr. Magee for Ms Wanjiru for Respondent.**