

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Civil Case 895 of 1994

RONGAI WORKSHOP LTD. PLAINTIFF

VERSUS

KENBLEST BAKERY LTD. DEFENDANT

RULING

I: BACKGROUND OF APPLICATION

1. I had heard and finalized this very old matter that was part heard before Ouna J on the 21.5.05.
2. The original defendant/applicant being dissatisfied with my judgment, on a material damage claim, filed a notice of appeal to the court of appeal.
3. Taxation having been completed, the original defendant/ applicant fears that there may be execution against them. They then filed this present application for stay of execution and thereafter prayed to deposit the decretal amount to court pending the hearing of appeal.
4. The applicant/defendant affidavit having been deponed to by his advocate was opposed to by the respondent/plaintiffs.

II: Finding

5. It is a right of every party to file an appeal against the courts decision. The applicant/defendant is willing to deposit the decretal amount to court or in an interest earning account.
6. I believe this is an acceptable offer pending the appeal being heard.
7. I therefore make order that the decretal sum, together with interest as of 23.5.06, be deposited in an interest earning account in the joint names of the parties advocate within 30 days.
8. That the costs of this application be borne by the applicant.

Dated this 23rd day of May 2006 at Nairobi.

M.A. ANG'AWA

JUDGE

O.P. Nagpal & Co. Advocates for the plaintiff

Shah & Parekh & Co. Advocates for the defendant