

REPUBLIC OF KENYA
IN THE HIGH COURT IOF KENYA
AT NAIROBI

CIVIL APPEAL 37 OF 1999

EUNICE WANJIRA JOSIAH APPELLANT

VERSUS

JONATHAN NJOGU MATHEW RESPONDENT

RULING

This is an application under Order 21 Rule 22 and Order 20 Rule 11 of the Civil Procedure Rules for “stay of execution”, and for leave to pay the decretal amount by monthly instalments. The decree sought to be stayed was issued in Kerugoya PMCC 220 of 1997. That decree was the subject of appeal to the Court, and was dismissed by my brother Ransley, J on January 28, 2004.

There being no further appeal pending in this matter, the application under Order 21 Rule 22 of the Civil Procedure Rule ought to be made to the Court which issued the decree, that is the PMCC, Kerugoya, which is also the Court where execution is envisaged.

Accordingly, this application being incompetently before this Court, is struck out with costs to the Respondent.

Dated and delivered at Nairobi this 24th day of May, 2004.

ALNASHIR VISRAM

JUDGE