

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII
CIVIL APPEAL NO. 88 OF 2004

POSTAL CORPORATION OF KENYA APPELLANT
VERSUS
JANE ALUOCH ONYANGO RESPONDENT

RULING:

Applicant prays for stay of execution of decree of SRM Homa Bay delivered on 15th May 2003 and reviewed on 22nd January 2004 in SRMCC No.322 of 2000.

I have carefully considered the application and the objection. The appeal is already filed. True the review of the judgment on 22nd January 2004 was by consent. However this I believe is an issue to be canvassed at the full hearing.

I find application is merited. The same is allowed and the court order that there be a stay of execution of the judgment until the appeal is heard and determined.

The applicant however should deposit the decretal amount in an interest earning account in the joint names of counsels for the parties within 15 days from today's date. Applicant will also pay costs of this application.

KABURU BAUNI

JUDGE

27/7/04

Dated and delivered on 27th July 2004. Mr. Ogari holding brief for Mr Momanyi for applicant.

KABURU BAUNI

JUDGE