



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KISII**

**CIVIL CASE NO.369 OF 1997**

**MILKAH KERUBO ONKOBA ..... PLAINTIFF**

**VERSUS**

**KENYA SHELL LIMITED ..... DEFENDANT**

**RULING:**

I have carefully considered the application dated 27th May 2004 and the submissions by both counsels. The counsel for the respondent was right to extract the decree and apply for execution after the applicant did not comply with the order to deposit the decretal amount in a joint interest earning account within the stipulated time.

However counsel for the applicant has tried to explain the delay. I accept the explanation. I therefore allow the application as prayed. I enlarge time to deposit the money, which should be done within 15 days from today's date.

The applicant will also pay costs of execution, which had been applied for by the respondent, and costs of this application.

**KABURU BAUNI**

**JUDGE**

**26/7/04**

Delivered on 26th July 2004. Mr. Lugao for the applicant.

**KABURU BAUNI**

**JUDGE**