

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI
Civil Appeal 228 of 2004

JACINTA PERE.....1ST APPELLANT

NJENGA MARIMBEL.....2ND APPELLANT

VERSUS

LUKAS KIBEGWA OKARA

t/a KENAGWA ENTERPRISES.....1ST RESPONDENT

OLE KEJUADO COUNTY COUNCIL.....2ND RESPONDENT

RULING

The Applicant applies for a stay of the order of the lower court which ordered as a condition of stay of its order to evict the Appellant from the suit premises that the Appellant would have to pay the Kshs 30,000 per week which was to be paid into a joint account.

I can see no substantial loss shown as the money is not going into the pocket of the respondent but into a joint account.

The Appellant relied on the case of **New Stanley Hotel Limited Vs Arcade Tobacconists Limited (1986) KLR 757** in which Porter J declined to order security. However, in that case, the tenant was contesting increased rent. He was however paying the agreed rent. As no substantial loss has been shown, I dismiss the application with costs to the respondent.

DATED AND DELIVERED THIS 9TH DAY OF DECEMBER 2004.

P.J RANSLEY
JUDGE