

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL APPEAL NO. 498 OF 2000

YELLOW PAGES PUBLISHING

& MARKETING LIMITED APPELLANT

VERSUS

NEWSTRACKERS PUBLISHERS LIMITED RESPONDENT

R U L I N G

From what has been brought to my attention during the hearing of this application, I find that the Applicant has not satisfied this court under Order 41 Rule 4 sub rule 2 Civil Procedure Rules that the Applicant will suffer substantial loss if stay is not granted as mere error in the figures in the decree or mere wrongful procedure in the execution of the decree do not necessarily mean the Applicant will suffer substantial loss, and since the Applicant is not providing security and I largely agree with what Mr. Masese said in reply to this application, the said application is hereby dismissed with costs to the Respondent.

Dated this 12th day of June 2003.

J.M. KHAMONI

JUDGE