

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL DIVISION

CIV APP 717 OF 2001

JOSEPH GIKONYO

**T/A GARAM INVESTMENTS
APPELLANT**

VERSUS

GEORGE GAITI

**T/A URAFIKI TOURS & SAFARIS
RESPONDENT**

RULING

After hearing and recording submissions of counsel for the parties herein, I cannot say the appeal is not arguable or that if the application is not granted the appellant shall not suffer substantial loss given that this is a money decree and that to recover it from a rural folk if the appeal succeeds. Is an-uphill task.

I allow this application on condition that the full decretal sum is deposited in an interest earning account at a reputable financing institution in joint names of counsel for both parties within 14 days from today and if the appellant fails to avail the said decretal sum for deposit within the given period, this order to lapse and the respondent to be at liberty to execute.

Costs of this application to the respondent in any event.

Delivered this 11th day of April, 2002.

D.K.S. AGANYANYA

JUDGE