



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

**CIVIL CASE NO. 3656 OF 1987**

**RUFUS JOHN NDONGE ..... PLAINTIFF**

**VERSUS**

**JOHNSON KAREHU GICHUKI ALIAS KAREHU**

**GICHUKI..... DEFENDANT**

**R U L I N G**

As long as the debt remains unpaid, the decree-holder is entitled to seek ways of recovering the outstanding debt. There is no basis for granting an order staying execution. As the applicant is not saying as to when he intends to begin payment; the court has no basis on which to grant the applicant leave to pay the decretal sum by instalment. There is nothing to show that paying Shs. 1,000 per month will be reasonable. The application is dismissed.

Orders accordingly.

**R. KULOBA**

**JUDGE**

**21.6.2001**