



IN THE HIGH COURT OF KENYA AT NAIROBI

MISC APPL NO. 316 OF 2000

ATTORNEY GENERAL.....APPLICANT

VERSUS

JOSEPH NZUKI KASYUKI..... RESPONDENT

RULING

Respondents Counsel has not filed a replying affidavit, grounds of opposition or attended hearing to oppose the application. There is a pending appeal and Mr. Mwangi Njoroge learned Counsel for the applicant deposes that if the decree is executed, the decretal sum will be paid from public funds which respondent will not be able to refund if the appeal is successful. The Government has capacity to pay the decretal sum if the appeal is dismissed.

Consequently I allow the application with costs in the Appeal and given an order of stay of execution in terms of prayer 1 of the application.

**E. M. Githinji**

**Judge**

**17.5.2000**

**Mrs Hiranthi holding brief for Mr. Bandu**