

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL SUIT NO. 1424 OF 1997

BENROSE FAST FOOD.....PLAINTIFF

-VERSUS-

MURANGA PROPERTIES LTD.....DEFENDANT

RULING

In this application which is by Chamber Summons the applicant is asking for the Orders prayed in the application. The grounds in support are that the Stay of Execution which had been granted has been overtaken by the events on 17.5.2000 the Court of Appeal struck out the Notice of Appeal so that in reality there is no pending appeal.

There being no stay of execution and there being no appeal filed there would be no excuse to deny the applicant his right contained in the Order of 16.10.1997.

I allow the application as per prayers 1,2,3, and 4 of the Chamber Summons dated 25.5.2000.

Dated and delivered this 2nd October, 2000.

KASANGA MULWA

JUDGE