



**JCK v EC (Children’s Appeal Case E038 of 2024)
[2025] KEHC 4679 (KLR) (10 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4679 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CHILDREN’S APPEAL CASE E038 OF 2024
RN NYAKUNDI, J
APRIL 10, 2025**

BETWEEN

JCK APPLICANT

AND

EC RESPONDENT

RULING

1. The application in question is dated 24th March, 2025 in which the applicant seeks orders that the Honorable court be pleased to grant an order for stay execution and/or further execution against the judgment/degree in Eldoret Children case No. E140 of 2023 delivered on 15th February, 2024 pending the hearing and determination of this application interparties.
2. The applicant further sought that the warrants of attachment and proclamation of the applicant’s movable property namely M/V REG No KDA xxxx & Assorted Household items in execution of decree for money issued be set aside and/or lifted unconditionally.
3. The applicant has laid out a number of grounds on which the application is anchored on which I wish not to interrogate at this stage of the proceedings.
4. Having considered the application and the affidavit in support thereof, I am satisfied that the applicant has established a prima facie case for the grant of interim relief. In particular, I note that if the execution proceeds before the hearing of the main appeal, the applicant stands to suffer substantial prejudice which may not be adequately compensated by damages.



5. The Court has a duty to ensure that the ends of justice are met and that the rights of all parties, particularly those of the children involved, are safeguarded pending the full hearing of the substantive issues raised in the appeal.

- a. That an order of stay of execution and/or further execution of the judgment/decree in Eldoret Children Case No. E140 of 2023 delivered on 15th February, 2024 is hereby granted pending the inter parties hearing of this application;
- b. That the respondent is at liberty to file and serve a response to this application within fourteen (14) days from the date of this order;
- c. That the parties shall appear before me for the inter parties hearing on 19th May, 2025.

6. It is so ordered.

DATED AND SIGNED AT ELDORET THIS 10TH DAY OF APRIL, 2025

R. NYAKUNDI

JUDGE

