



REPUBLIC OF KENYA



KENYA LAW
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**Hardware v Onyango & another (Civil Appeal 12 of 2020)
[2025] KEHC 9918 (KLR) (9 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 9918 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
CIVIL APPEAL 12 OF 2020
MS SHARIFF, J
JULY 9, 2025**

BETWEEN

MOUNT ELGON HARDWARE APPELLANT

AND

BEATRICE TAWA ONYANGO 1ST RESPONDENT

LUFREE AUCTIONEERS 2ND RESPONDENT

RULING

1. I have considered the Notice of Motion dated 13.6.2025, the affidavit in support thereof sworn by Mohammud Khadhar Hersi Moghe on even date and the annexures attached thereto. I have also considered the replying affidavit sworn by Beatrice Tawa Onyango on 25.6.2025 and the oral submissions of Mr Makori for the appellant and Mr Okaka for the Respondent and I do find that this application is well merited and I thus allow it and make the following orders: -
 - i. An order of stay of execution is hereby granted against the Judgement delivered on 20.12.2019 in Bungoma CMCC No. 908 of 2010 until the appeal in the Court of Appeal is heard and determined on conditions set hereunder;
 - a. The entire decretal sum of Ksh. 1,318,257.99 be deposited in an interest earning account in the joint names of the parties' advocates with a reputable bank with 75 days from the date hereof.
 - b. In the event of default in compliance with order (a) hereinabove the respondents shall be at liberty to executed.
 - c. The respondents were already awarded costs of Ksh. 15,000 on 26.6.2015 wherefore the same shall prevail.
 - d. This file is marked as closed.



DELIVERED, SIGNED AND DATED AT BUNGOMA THIS 9TH DAY OF JULY 2025.

M.S. SHARIFF

JUDGE

