



REPUBLIC OF KENYA



KENYA LAW
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**Mwambura & another v Baiya (Civil Appeal E072 of 2025)
[2025] KEHC 9839 (KLR) (8 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 9839 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
CIVIL APPEAL E072 OF 2025**

MS SHARIFF, J

JULY 8, 2025

BETWEEN

ROSE NJOKI MWAMBURA 1ST APPELLANT

HARON GITHINJI M 2ND APPELLANT

AND

NJENGA BAIYA RESPONDENT

RULING

1. I have considered the Notice of Motion dated 2.5.2025, the affidavit in support thereof sworn jointly by Haron Githinji Mwambura and Rose Njoki Mwambura on even date, and the enclosures attached thereto. I have also considered the Replying Affidavit sworn by Njenga Baiya on 7th July 2025 and the submissions of parties Counsels and I do find that this application is well merited and I allow and make the following order: -
 - i. An order of stay of execution is hereby granted against the ruling of Hon T. A. Madowo (SRM) delivered on 24.4.2025 and all consequential orders made in Bungoma CMCC No 277 of 2019; Njenga Baiya v rose Njoki Mwambura & another, until this appeal is heard and determined on condition set out hereunder.
 - ii. The entire decretal sum plus costs amounting to Kshs 684,780/- be deposited in an interest earning account in the joint names of the parties' advocates with a reputable Bank within 75 days from the date hereof.
 - iii. In the event of default in compliance with order (ii) hereinabove the respondent shall be at liberty to execute.
 - iv. The respondent is awarded costs of this application assessed at Kshs 10,000/-

DELIVERED, SIGNED AND DATED AT BUNGOMA THIS 8TH DAY OF JULY 2025.



M.S. SHARIFF
JUDGE

