



**Ogutu alias Kelvin Owino Ogutu & another v Asioko & another (Suing as the legal administrator of the Estate of the Late Raphael Ondeko Andale - Dcd) (Miscellaneous Civil Application E021 of 2024) [2024] KEHC 2623 (KLR) (12 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2623 (KLR)

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT KISUMU**  
**MISCELLANEOUS CIVIL APPLICATION E021 OF 2024**  
**RE ABURILI, J**  
**MARCH 12, 2024**

**BETWEEN**

**JOHN CALVINS OWINO OGUTU ALIAS KELVIN OWINO**  
**OGUTU ..... 1<sup>ST</sup> APPLICANT**  
**JOHN ODERA OCHIENG ..... 2<sup>ND</sup> APPLICANT**

**AND**

**ELIJAH JAMES ASIEKO ..... 1<sup>ST</sup> RESPONDENT**  
**ISACK ESILABA ANDALE ..... 2<sup>ND</sup> RESPONDENT**  
**SUING AS THE LEGAL ADMINISTRATOR OF THE ESTATE OF THE LATE**  
**RAPHAEL ONDEKO ANDALE - DCD**

**RULING**

1. As the Respondents counsel have not been mapped in our CTS, they have been unable to file any response to the application dated 20<sup>th</sup> February 2024.
2. However, there is no request for mapping pending in our CTS.
3. In the meantime, I implore the parties to negotiate and reach an amicable settlement of either the decree or the application seeking leave to appeal out of time and stay of execution of decree pending the hearing and determination of the intended appeal.
4. Pending the hearing and determination of the application dated 20<sup>th</sup> February 2024 which is not certified as urgent, and or filing of any consent, I grant a temporary stay of execution of decree in Maseno SPMCC No. E120 of 2019.



5. If the parties do not file a consent, the application dated 20<sup>th</sup> February 2024 shall be heard orally on 9<sup>th</sup> April 2024.
6. These Directions to be typed and uploaded.
7. I so direct.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 12<sup>TH</sup> DAY OF MARCH, 2024**

**R. E. ABURILI**

.....

**JUDGE**

I certify that this is a true copy of the original

Signed

**DEPUTY REGISTRAR**

