



**Lumumba v Shajanand Holdings Limited (Civil Appeal
121 of 2022) [2024] KEHC 3329 (KLR) (9 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3329 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CIVIL APPEAL 121 OF 2022**

**MS SHARIFF, J
APRIL 9, 2024**

BETWEEN

P. L. O. LUMUMBA APPELLANT

AND

SHAJANAND HOLDINGS LIMITED RESPONDENT

RULING

1. I have considered the Applicant’s notice of motion dated 17th December 2022, the affidavit in support thereof, the further affidavit in support and the replying affidavit. I have also considered the rival submissions of parties and I do hereby allow the application and make the following orders:
 1. An order of stay of execution of the judgment in Kisumu CMCC No. 390 of 2020: Shajanand Holding Limited -vs- P. L. O. Lumumba is granted until this appeal is heard and determined on the following condition:-
 - a. That the Applicant/Appellant shall deposit into a joint interest account of parties advocates the decretal sum of Kshs.460,250 within 30 days from the date hereof.
 - b. In the event of default the Respondent shall be at liberty to execute.
 - c. The Appellant is directed to file the record of appeal within 30 days from the date hereof.
 - d. Mention on 8th May, 2024 to confirm compliance and take directions on the appeal.

DELIVERED, DATED AND SIGNED AT KISUMU THIS 9TH DAY OF APRIL, 2024.

MWANAISHA. S. SHARIFF

JUDGE

