



**Davis and Shirtlife v Mutwa & another (Suing on Their Own Behalf and as the Administrators of the Estate of the Late John Muthangya Mutunga alias John Muthanja alias John Muthanje Mutunga - Deceased) (Civil Appeal E020 of 2024) [2024] KEHC 5218 (KLR) (16 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5218 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KITUI  
CIVIL APPEAL E020 OF 2024**

**RK LIMO, J**

**MAY 16, 2024**

**BETWEEN**

**DAVIS AND SHIRTLIFE ..... APPELLANT**

**AND**

**RACHAEL MUTWA MUTHANGYA ALIAS RACHAEL MUTWA  
KAUMO ..... 1<sup>ST</sup> RESPONDENT**

**MUTAMBUKI MUTUNGA ..... 2<sup>ND</sup> RESPONDENT**

**SUING ON THEIR OWN BEHALF AND AS THE ADMINISTRATORS OF  
THE ESTATE OF THE LATE JOHN MUTHANGYA MUTUNGA ALIAS JOHN  
MUTHANJA ALIAS JOHN MUTHANJE MUTUNGA - DECEASED**

**RULING**

This court has interrogated both counsels and has pursued through the application and response and finds it just and fair to make the following orders;

1. There be a Stay of Execution in Mwingi CM's court Civil Case No. E025 of 2023 pending the hearing and determination of the appeal herein on the following conditions:
  - a. The decree holder be paid half decretal of Kshs. 1,698,660/= within 30 days from today.
  - b. The other half be deposited in a joint interest earning joint account in names of both counsel on record within 45 days from today.



2. In default of any of the above conditions execution to issue or decree holder be at liberty to execute.
3. The Appellant to file Records of Appeal and serve within 45 days from today.
4. Mention on 29/7/2024 for directions on the appeal.

**DATED, SIGNED AND DELIVERED AT KITUI THIS 16TH DAY OF MAY, 2024**

**HON. JUSTICE R. K. LIMO**

**JUDGE**

