



REPUBLIC OF KENYA



KENYA LAW
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Otieno v Wanjawa (Civil Appeal E094 of 2024) [2024] KEHC 6747 (KLR) (5 June 2024) (Ruling)

Neutral citation: [2024] KEHC 6747 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CIVIL APPEAL E094 OF 2024
RE ABURILI, J
JUNE 5, 2024

BETWEEN

WILFRED OMONDI OTIENO APPELLANT

AND

PETER OKUMU WANJAWA RESPONDENT

*(Arising from the Judgment and decree of Hon. J. Kimetto in
Maseno SPMCC No. E074 of 2021 rendered on 16th April 2024)*

RULING

1. The application dated 16th May 2024 was served upon the Respondents who have not responded. It is therefore not opposed.
2. The application seeks for stay of execution of decree in Maseno SPMCC No. E074 of 2021 pending the hearing and determination of the appeal herein as filed.
3. As the application is not opposed and the decree is a money decree, I make the following orders:-
 1. There shall be stay of execution of decree in Maseno SPMCC No. E074 of 2021 pending hearing and determination of this appeal conditional upon the Appellant depositing into the trial court half of the decretal sum awarded by the trial court, as security for the due performance of decree in the said matter within 21 days of today.
 2. Costs be in the appeal.
 3. The Lower court record to be availed for admission of the appeal.
 4. The Appellant to file and serve a record of appeal within 30 days of today.
 5. Mention before the Deputy Registrar on 11th July 2024 to confirm compliance.
4. This Ruling and order to be typed and uploaded.



5. The Appellant to serve the Respondent with notice.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 5TH DAY OF JUNE, 2024

R. E. ABURILI

JUDGE

