



**Ondiek v Miruka (Miscellaneous Civil Application
111 of 2003) [2024] KEHC 6666 (KLR) (3 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 6666 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CIVIL APPLICATION 111 OF 2003
RE ABURILI, J
JUNE 3, 2024**

BETWEEN

WALTER MBOO ONDIEK APPLICANT

AND

JECONIA ONDITI MIRUKA RESPONDENT

RULING

1. This matter was initiated by way of an application dated 21st May 2003 for leave to appeal out of time and for stay of execution of decree in Kisumu CMCC No 962 of 2000 pending hearing and determination of the intended appeal.
2. The dispute was over land.
3. The prayers were made on 17th September 2003 for stay but the prayer for enlargement of time remained pending from 3rd February 2005 when the matter was stood over generally.
4. The application dated 21st May 2003 is overtaken by events and is hereby dismissed for want of prosecution. No orders as to costs.
5. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 3RD DAY OF JUNE, 2024

R. E. ABURILI

JUDGE

