



**Ocholla v Ogoto (Miscellaneous Civil Application E132 of 2024)
[2024] KEHC 8579 (KLR) (10 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 8579 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CIVIL APPLICATION E132 OF 2024**

MS SHARIFF, J

JULY 10, 2024

BETWEEN

HAROLD OCHOLLA APPELLANT

AND

MARK IAN SIDANDI OGOTO RESPONDENT

RULING

1. I have perused the Appellant’s notice of motion dated 5.7.2024, the supporting affidavit sworn by Harold Ocholla on even date and I have also considered the rival submissions of parties. I do hereby allow the same and make the following orders:-
 1. An order of stay of execution is hereby issued against the judgment in Kisumu SCCOM E099/24 pending the hearing and determination of this appeal on the following conditions:-
 - a) The Appellant do deposit in a joint interest earning account in the names of the parties advocates the entire sum of Kshs 500,000 within 45 days from the date hereof.
 - b) In the event of default in compliance with order (a) herein above the Respondent to be at liberty to execute.
 2. The Appellant is directed to file and serve a supplementary record of appeal simultaneously with his submissions within 14 days from the date hereof and the Respondent to file his submissions within 28 days from the date hereof.
 3. Mention on 8.8.2024 to confirm compliance.

DELIVERED, DATED AND SIGNED AT KISUMU THIS 10TH DAY OF JULY, 2024.

M. S. SHARIFF

JUDGE

