



**Ochieng t/a Joyrowl Limited v Abuor t/a Planet Technical Solutions Ltd
(Civil Appeal E122 of 2024) [2024] KEHC 8342 (KLR) (9 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 8342 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CIVIL APPEAL E122 OF 2024
MS SHARIFF, J
JULY 9, 2024**

BETWEEN

JOYCE ANYANGO OCHIENG T/A JOYROWL LIMITED APPELLANT

AND

**FELIX ODHIAMBO ABUOR T/A PLANET TECHNICAL SOLUTIONS
LTD RESPONDENT**

RULING

1. I have considered the notice of motion dated 22nd May 2024 and the affidavit in support thereof sworn by Joyce Anyango Ochieng on even date and I have also considered the oral submissions of Ms. Angiela advocate for the Applicant and I have also perused an affidavit sworn by Victor Odhiambo Ogik on 8th July 2024 and I am persuaded to allow the application and I thus make the following orders.
 1. The Applicant is hereby granted leave to file an appeal out of time and the memorandum of appeal dated 22nd May 2024 and filed on 16.6.2024 is hereby deemed as timeously filed.
 2. The Applicant/Appellant is directed to file and serve her record of appeal within 7 days from the date hereof and her submissions within 14 days from the date hereof.
 3. The Respondent is directed to file his submissions within 28 days from the date hereof.
 4. An order of stay of execution of the judgment of Kisumu small Claims SCCOMM No. E494 of 2023 – Felix Odhiambo Abuor T/A Planet Technical Solutions Ltd v Joyce Anyango Ochieng T/A Joyrowl Limited is hereby issued until this appeal is heard and determined on the following conditions:
 - (i) The Appellant is directed to deposit the entire decretal sum of Kshs.528,495 in a joint interest earning account of parties' advocates within 28 days from the date hereof.
 - (ii) In the event of default of order (i) hereinabove execution to issue.



5. Mention on August 8, 2024 to confirm compliance.
6. The Appellant to issue notice to the Respondent of the above directions.

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

M. S. SHARIFF

JUDGE

