



**Sidan Bank Limited v Otieno & 2 others (Civil Appeal
E128 of 2024) [2024] KEHC 7903 (KLR) (3 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 7903 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CIVIL APPEAL E128 OF 2024**

MS SHARIFF, J

JULY 3, 2024

BETWEEN

SIDAN BANK LIMITED APPELLANT

AND

**MERCY ATIENO OTIENO & 2 OTHERS & 2 OTHERS & 2 OTHERS & 2
OTHERS RESPONDENT**

RULING

1. I have considered the appellant's notice of motion dated 1st July 2024, the certificate of urgency issued by Bernard Otieno Esquire advocate on even date and the supporting affidavit of Jackline Ndungú also sworn on even date and I am persuaded of the need to stay the proceedings of the trial court and I thus make the following orders:-
 1. This application is not certified as urgent.
 2. An order of stay of proceedings of Kisumu CMCC E215 of 2023 – Mercy Awino Otieno t/ a Tacom Ventures vs Sidian Bank Limited and Another is hereby issued pending the hearing and determination of this application.
 3. The appellant is directed to serve this application within 2 days from the date hereof.
 4. The respondents are directed to file and serve their responses within 7 days from the date hereof and the Plaintiff is granted leave to file any further affidavit if need be within 10 days from the date hereof.
 5. The appellant is directed to file their submissions within 15 days from the date hereof and the respondent to do so within 20 days from the date hereof.
 6. Mention on 24.7.2024 to confirm compliance.



DATED, DELIVERED AND SIGNED THIS 3RD DAY OF JULY, 2024.

M. S. SHARIFF

JUDGE

