



**Al-Rahim Trading Limited v Makana & 2 others (Miscellaneous Application
E005 of 2024) [2024] KEHC 11016 (KLR) (19 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11016 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS APPLICATION E005 OF 2024
MS SHARIFF, J
SEPTEMBER 19, 2024**

BETWEEN

AL-RAHIM TRADING LIMITED APPLICANT

AND

**ROBINAS OYARA MAKANA & 2 OTHERS & 2 OTHERS & 2 OTHERS & 2
OTHERS & 2 OTHERS RESPONDENT**

RULING

1. I have considered the notice of motion dated 12th February 2024, the affidavit in support thereof of even date and the further affidavit of Adeel Akbar sworn on 5.7.2024 and the replying affidavit sworn on 29.2.2024 by Ontita Godwiny Onyancha and I have also considered the oral submissions of parties' Counsels and I do hereby allow the application and I make the following orders:-
 1. The Applicant is hereby granted leave to file an appeal out of time against the judgment of Hon. Getrude Serem in *Kisumu SCC No. E222 of 2023* within 7 days from the date hereof.
 2. An order of stay of execution of the said judgment delivered on 25.10.2023 in *Kisumu SCC No. E222 of 2023* is hereby granted until the intended appeal is heard and determined on condition that the Applicant do deposit the decretal sum of Kshs.702,013 in a joint interest earning account of parties' advocates within 45 days from the date hereof.
 3. In the event of default in compliance with order 2 hereinabove the stay orders shall automatically lapse and the 1st Respondent will be at liberty to execute.
 4. The 1st Respondent is awarded costs of this application at Kshs.10,000.
 5. This file is marked as closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 19TH DAY OF SEPTEMBER, 2024.



M. S. SHARIFF
JUDGE

