



**Nyambok v Shikuku (Miscellaneous Case E321 of 2024)
[2024] KEHC 10801 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10801 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CASE E321 OF 2024
MS SHARIFF, J
SEPTEMBER 17, 2024**

BETWEEN

MR GABRIEL OKUKU NYAMBOK PLAINTIFF

AND

GODFREY OUMA SHIKUKU DEFENDANT

RULING

1. I have considered the Applicant's notice of motion dated 19th August 2024, the supporting affidavit sworn by Christine Musando on even date and the enclosure therein. I have also noted that the Applicant is ready and willing to deposit the judgment sum in a joint interest earning account of parties advocates.
2. This application was filed under the High Court vacation rules and to-date the Respondent is yet to file a response but seeks for a period of 7 days to do so. Given the concession made by the Applicant and upon considering the oral submissions of parties' Counsels I do hereby allow the application and I make the following orders:-
 1. The Applicant is granted leave to file an appeal out of time. The record of appeal and submissions to be filed within 14 days from the date hereof.
 2. The Respondent is directed to file his submissions within 24 days from the date hereof.
 3. An order of stay of execution is hereby granted against the judgment in *Kisumu SCC E005 of 2024* until the intended appeal is heard and determined on condition that the Applicant do deposit a sum of Kshs.4227,321.01 in a joint interest earning account of parties advocates within 30 days from the date hereof.
 4. In the event of in compliance with Order (3) hereinabove the stay orders shall automatically lapse and the Respondent shall be at liberty to execute.



5. Mention on 31.10.2024 to confirm compliance.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 17TH DAY OF SEPTEMBER, 2024.

M. S. SHARIFF

JUDGE

