



REPUBLIC OF KENYA



KENYA LAW
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**Gikonyo v Kinyua (Civil Appeal E023 of 2024)
[2024] KEHC 12463 (KLR) (16 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12463 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL APPEAL E023 OF 2024
DO CHEPKWONY, J
OCTOBER 16, 2024**

BETWEEN

CHARLES WAWERU GIKONYO APPELLANT

AND

MARTIN NJIRU KINYUA RESPONDENT

(Being an Appeal from the Judgment of the Honourable B. Ofisi (MRS), SRM delivered on 2nd February, 2024 at Limuru Law Courts in Civil Suit No.E219 of 2022)

RULING

1. The matter is for mention for parties to take directions in the matter. Upon listening to counsel for the Respondent, I have perused the CTS and confirm that the Record of Appeal has been filed.
2. However, upon listening to counsel for the Respondent, I have perused the record and established that the Notice of Motion application dated 27th March, 2024 is yet to be heard and determined.
3. In view of what the Respondent's Counsel has intimated to the court, and so as to have this matter move, I have read through the said application and the Supporting Affidavit sworn on even date by Charles Waweru Gikonyo and Moses Barasa. In consideration of the nature of the prayers made, the grounds upon which the same are premised and the law under Order 42 Rule 6 of the Civil Procedure Rules, which govern the said prayers, this Court finds it prudent to invoke the provisions of Sections 1A, 3 and 3A of the Civil Procedure Rules and order:-
 - a. That there be a stay of execution of the Judgment and Decree issued by the trial Court in Limuru CMCC No.E219 of 2022, Martin Njiru Kinyua –vs- Charles Waweru Gikonyo & 2 Others pending the hearing and determination of the appeal on condition that the Appellant/Applicant deposit the entire decretal sum in court within thirty (30) days from the date hereof.
 - b. Failure to comply with the said order/directions will render the application for stay dismissed.



c. Mention on 18th November, 2024.

It is so ordered.

RULING DATED AND SIGNED AT KIAMBU THIS 16TH DAY OF OCTOBER , 2024.

D. O. CHEPKWONY

JUDGE

In the presence of:

Mr. Sandik holding brief for Mr. Nyakweba counsel for Respondent

Court Assistant - Martin

