



**Ochieng v Raphael (Civil Appeal E194 of 2024)  
[2024] KEHC 11967 (KLR) (7 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 11967 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CIVIL APPEAL E194 OF 2024  
MS SHARIFF, J  
OCTOBER 7, 2024**

**BETWEEN**

**SHEM ODHIAMBO OCHIENG ..... APPELLANT**

**AND**

**JOANES KEYA RAPHAEL ..... RESPONDENT**

**RULING**

1. Upon perusal of the notice of motion dated 4.10.24, the supporting affidavit sworn by Shem Odhiambo on even date and upon perusal of the memorandum of appeal and the other annexures to this application, I note that there is need to maintain the status quo and I thus make the following orders:-
  1. This application is not certified as urgent.
  2. The same be served within 2 days from the date hereof.
  3. The Respondent is directed to file a response within 7 days from the date hereof.
  4. An order of stay of execution is granted against the ruling of Hon. D. Onyango in Kisumu CMCC No. 213 of 2019 delivered on 12.9.2024 for a period of 8 days.
  5. Notice of motion to be mentioned on 15.10.2024 for taking of further directions.

**DELIVERED, DATED AND SIGNED AT KISUMU THIS 7<sup>TH</sup> DAY OF OCTOBER, 2024.**

**M. S. SHARIFF**

**JUDGE**

