

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CIVIL APPEAL NO. E429 OF 2021

STEPHEN MWANGI GICHURI.....APPELLANT/RESPONDNET

VERSUS

FRED MARAGA ABINCHA.....RESPONDENT/APPLICANT

RULING

It is clear that the respondent is not opposing the application for stay of execution of the decree so long as security for the due performance of the decree is given. The applicant has also admitted that there is no appeal as against the award of kshs.1,500,000 and ksh.9,850/=.

Consequently, the motion dated 15.7.2021 is allowed thus giving rise to issuance of the following orders

- i. An order for stay of execution of the decree is granted pending appeal on condition that the applicant provides a bank guarantee for ksh.3,000,000/= within a period of 45 days from the date hereof.**
- ii. The appellant to pay the respondent the undisputed sum of ksh.1,500,000/= and ksh.9,850/= (I.e 1,509,850/=) within a period of 45 days from the date hereof.**
- iii. In default of (i) and (ii) above, the order for stay shall lapse and the respondent will be at liberty to execute.**
- iv. Costs of the motion to abide the outcome of the appeal.**

DATED, SIGNED AND DELIVERED ONLINE VIA MICROSOFT TEAMS AT NAIROBI THIS 9TH DAY OF SEPTEMBER, 2021

.....

J. K. SERGON

JUDGE

In the presence of:

..... for the Appellant

..... for the Respondent