



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT SIAYA**

**KISUMU CIVIL APPEAL 55 OF 2020**

**FIRST ASSURANCE CO. LTD.....APPELLANT/APPLICANT**

**VERSUS**

**OSIENALA (FRIENDS OF LAKE VICTORIA).....1<sup>st</sup> RESPONDENT**

**SBM BANK (K) LTD.....2<sup>nd</sup> RESPONDENT**

**RULING**

1. I have considered the application for leave to be heard during the recess. I grant it.
2. On the main motion for stay of proceedings in Kisumu CM CC No. 609/2019, I have considered the application under Certificate of Urgency. I certify it as urgent and direct the Applicant to serve the Respondent for interpartes consideration/Directions by the Presiding/Duty Judge at Kisumu High Court on 7/9/2020.
3. The matter is accordingly referred back to Kisumu High Court for final conclusion.
4. Orders accordingly.

**Dated, signed and Delivered at Siaya this 3<sup>rd</sup> Day of September 2020.**

**R.E. ABURILI**

**JUDGE**