

REPUBLIC OF KENYA

IN THE HIGH COURT AT MIGORI

MISC CIVIL APPLN NO. 256 OF 2018

TRANS-MARA SUGAR CO. LTD.....APPLICANT

-VERSUS-

THOMAS ONDIEKI OSITU.....RESPONDENT

ORDER

1. I have perused and considered the record before me and I am of the view that I will not be able to sufficiently exercise my judicial discretion in the absence of a copy of the ruling for stay of execution of the decree delivered by the lower court on 08/03/2018.

2. Consequently, I hereby make the following further orders: -

(a) The Applicant shall file and serve a Further Affidavit and introduce a copy of the ruling therein within 7 days of this order.

(b) Given that this matter has been in Court since March 2018 the stay of execution orders shall automatically lapse on failure to file the said Further Affidavit as ordered.

(c) Mention for further orders on 21/02/2019.

Orders accordingly.

DELIVERED, DATED and SIGNED at MIGORI this 14th day of February 2019.

A. C. MRIMA

JUDGE

Judgment delivered in open Court and in the presence of: -

Mr. Oguttu-Mboya Counsel instructed by the firm of Messrs. Oguttu Mboya & Company Advocates for the Applicant.

Mr. Odingo Counsel instructed by the firm of Odingo & Company Advocates for the Respondent.

Evelyn Nyauke – Court Assistant