

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CIVIL APPEAL NO. 29 OF 2018

(CORAM: HON. R.E. ABURILI - J)

MEDULA ACADEMY.....APPELLANT

VERSUS

JACKLINE ATIENO OTIENO DANIEL OMONDI OKELLO (suing as the legal representatives of the estate

of DOMINIC JUMA OKELLO (Deceased).....RESPONDENT

(An Appeal from the Judgment and Decree of the PM's Court, Bondo in Civil Suit No. 61 of 2017 delivered on the 17.10.2018 before Hon. M. Obiero, PM)

RULING

1. The Court observes that since 10/12/2018 when the Appellant got an Order of stay of execution of Decree in the Lower court pending appeal, it has not complied with the order of depositing the decretal sum of Kshs. 2,067,700 plus Party and Party costs into court within 30 days of the said date.
2. In addition, the Appellant has not filed and served a record of appeal within 60 days of 10th December 2018.
3. In the circumstances, it is clear that the Appellant is not interested in prosecuting this appeal. Furthermore, it has not complied with orders of this COURT made on 10th December 2018.
4. Accordingly, as today's date was served upon its advocates, who are absent, I hereby dismiss this appeal for want of prosecution.
5. I make no orders as to costs.

Orders accordingly.

Dated, signed and Delivered at Siaya, this 22nd Day of July 2019

R.E. ABURILI

JUDGE