



**REPUBLIC OF KENYA**

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

**CIVIL DIVISION**

**CIVIL APPEAL NO. 21 OF 2019**

**PRISCILA ATIENO.....PLAINTIFF**

**VERSUS**

**MICHAEL OKELLO.....RESPONDENT**

*(Being an appeal from the Judgment/decree of Ukwala PMCRC*

*No. 103 of 2019 delivered on 19.6.2019 before Hon. G. Adhiambo - SRM)*

**RULING**

1. I have perused the application dated 1.10.2019 under certificate of urgency. I note that judgment in Ukwala SRM CC No. 110/2018 was delivered on 19.6.2019 which is over three months ago. The appeal has not been filed. The decree holder has moved the trial Court to execute the judgment and decree in accordance with the Law.
2. However, as the Applicant deserves an opportunity to be heard on his application seeking for stay and leave to appeal out of time, I find the application urgent owing to the imminent attachment and sale of the proclaimed property.
3. I certify the application as urgent and direct the Applicant to serve the Respondent forthwith for interpartes consideration on 8.10.2019.
4. On the prayer for a temporary stay, I grant a temporary stay of execution and or attachment/taking of possession/sale of motor vehicle Registration No. KCA 714L Toyota Matatu as per the proclamation of 16.9.2019 pending interpartes hearing on 8.10.2019.
5. Orders accordingly.

**DATED AT SIAYA THIS 1<sup>ST</sup> DAY OF OCTOBER, 2019.**

**R.E. ABURILI**

**JUDGE**