

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MERU

CIVIL APPEAL NO. 65 OF 2016

HABIBA IBRAHIM.....APPELLANT

VERSUS

HALKANO IBRAHIM.....RESPONDENT

RULING

I have considered the application. I have considered the matters set out in the affidavit in support. This is an application for stay of execution.

All the applicant needs to prove is that an appeal has been filed, that if the Stay is not granted the Applicant will suffer substantial loss.

The Applicant has averred in her Affidavit in Support that the distribution of the five (5) plots which are the only family properties will make her destitute unless a stay is granted.

The Respondent was served with the application on 7/2/2017. He did not file any response. That notwithstanding, he told the Court that he still wished the application to proceed this morning on the ground that he comes from Merti. In this regard, the averments of substantial loss by the Applicant remained unchallenged.

In this regard, the application succeeds. I allow the application as prayed for.

In the meantime, an order is issued to the Isiolo Chief Magistrate's Court to forward to this Court its record of the trial within 30 days.

Mention on 18/5/2017 for further directions.

A. MABEYA

JUDGE

16/03/2017