



**REPUBLIC OF KENYA**

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

**CIVIL SUIT NO. 1 OF 2011 (OS)**

**CHRISTINE JEAN ERICKSON.....PLAINTIFF**

**VERSUS**

**ABDIKADIR HAJI ABDI DARA.....DEFENDANT**

**RULING**

1. On 18<sup>th</sup> December 2015 I delivered a ruling where I declined to give the directions sought as the court had already given directions on the disposal of the matter, which, in my view were sufficient.
2. The defendant has come back to court with an application dated 26<sup>th</sup> January 2016. He seeks orders that the proceedings in this cause be stayed pending hearing of an appeal that he is to lodge at the Court of Appeal against that order.
3. There is a reply to the application by the plaintiff who takes the view that the application does not meet the threshold for grant of the orders sought.
4. I note that the defendant did file a notice of appeal and requested for proceedings within reasonable time. He has a right to seek the opinion of a higher court.
5. I shall grant the defendant the order that he seeks. The stay of proceedings shall be for forty-five (45) days to facilitate filing of the proposed appeal.

**DATED, SIGNED and DELIVERED at NAIROBI this 12<sup>TH</sup> DAY OF MAY, 2017.**

**W. MUSYOKA**

**JUDGE**