

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL SUIT NO. 11 OF 2007 (OS)

E N K.....PLAINTIFF

VERSUS

J N K.....DEFENDANT

RULING

1. The Motion dated 16th October 2015 seeks leave to appeal and stay of execution. The judgment proposed to be appealed against was delivered on 2nd October 2015. The application is opposed. The respondent has filed an affidavit in opposition.
2. The parties have filed detailed written submissions on their respective positions. I have read through both sets of written submissions and noted the arguments advanced in them, inclusive of the caselaw cited.
3. The record indicates that the applicant filed a notice of appeal on 13th October 2015 and also lodged a letter at the registry on 13th October 2015 asking for copies of the proceedings and judgment.
4. A party who is aggrieved of an order of this court is at liberty to get a second opinion from an appellate court. In any event, the application before me is not being sought after considerable delay.
5. I am inclined to allow the application dated 16th October 2015. Leave to appeal is hereby granted. It shall be for thirty (30) days from date hereof. There shall also be stay of execution of the said judgment. The stay shall equally be for thirty (30) days from date hereof. There shall be no order as to costs.

DATED, SIGNED and DELIVERED at NAIROBI this 12TH DAY OF MAY, 2017.

W. MUSYOKA

JUDGE