

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY AND PROBATE DIVISION

CIVIL APPEAL NO. 93 OF 2016

SAMUEL MBURU WATENE.....APPELLANT

VERSUS

SALOME WAGUTHI.....RESPONDENT

(Being an appeal filed against the ruling delivered in Nairobi Children Case No. 126 of 2016)

RULING

1. The application for determination is a Motion dated 4th October 2016. It seeks the stay of execution of orders that the lower court had made on 23rd September 2016 on the maintenance of one of the children the subject of the proceedings before the lower court.
2. I have reviewed the material placed before me. I am persuaded that I should not grant the orders sought. The order touches on the interests of a child. The best interests principle would be in favour of the order remaining in force to await the outcome of the appeal.
3. Accordingly, the application dated 4th October 2016 is disallowed. There shall be no order as to costs.

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

W. MUSYOKA

JUDGE