



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**  
**CIVIL APPEAL NO. 38 OF 2013**

HARRISON MWANGEKA

MWANJALA MSIRINYI.....APPELLANTS

VERSUS

REGISTERED TRUSTEES FULL GOSPEL CHURCHES OF KENYA.....RESPONDENT

**RULING**

Before court is the notice of motion dated 4<sup>th</sup> March, 2014 by which the applicant seeks *inter alia* the following orders:

**“This Honourable Court be pleased to stay the execution of Judgment delivered herein on 6<sup>th</sup> September, 2013 in Voi PMCC No. 110 of 2012: Full Gospel Churches of Kenya Registered Trustees vs. Harrison Wachenje Mwadime and Another pending the hearing of this application interpartes.**

**This Honourable Court be pleased to stay the execution of the judgment delivered herein on 6<sup>th</sup> September, 2013 in Voi until the appellant’s appeal is heard and determined.”**

The High Court in Mombasa did on 6<sup>th</sup> March, 2014 grant interim order. The matter was listed for interpartes hearing on 24<sup>th</sup> March, 2014. A notice of objection was filed by the respondent on 24<sup>th</sup> March, 2014. However, counsel for the respondent Kertiony & Company Advocates who filed this notice of objection were not properly on record having failed to file any notice of appointment in the matter. In any event the said objection was neither canvassed nor argued since counsel for the respondent failed to appear on the date for hearing despite having had proper notice of such date. I have considered the notice of motion as well as the annexed supporting affidavit sworn by the applicant on 4<sup>th</sup> March, 2014. I am satisfied that the application has merit. I do hereby grant a stay of execution in terms of prayer (3) of the application. Costs in the cause.

**Dated and delivered in Mombasa this 9<sup>th</sup> day of June, 2014.**

**M. ODERO**

**JUDGE**

In the presence of:

No appearance by either party