

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: KWACH, TUNOI LAKHA, J.J.A.)
CIVIL APPLICATION NO. NAI. 122 OF 1999 (UR. 46/99)

EXPRESS (KENYA) LIMITED APPLICANT
AND
MANJU PATELRESPONDENT

**(An application for Stay of Execution from the Ruling and Orders of the High Court at Nairobi
(Ole Keiuwa, J.) delivered on 23rd April, 1997**

in

H.C.C.C. NO. 2927 OF 1996)

RULING OF THE COURT

In this application for stay under rule 5 (2) (b) of the Rules of this Court, the applicant has failed to demonstrate that it has an arguable appeal. Moreover, there is not a slight suggestion, even if we had held that the intended appeal was not frivolous, that the respondent is a person of straw and would not be able to refund the decretal sum if the appeal was eventually successful.
This application is without merit and is accordingly dismissed with costs.

Made at Nairobi this 8th day of July, 1999.

R. O. KWACH

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JUDGE OF APPEAL

P. K. TUNOI

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JUDGES OF APPEAL

A. A. LAKHA

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JUDGE OF APPEAL

I certify that this is a true copy of the original.
DEPUTY REGISTRAR