



**REPUBLIC OF KENYA**

**IN THE COURT OF APPEAL  
AT NAIROBI**

**(Coram: Gicheru, Omolo & Lakha, JJ.A.)  
CIVIL APPLICATION NO. NAI. 318 OF 1996 (UR.122/96)**

**BETWEEN**

**EVANSON K. NJOROGE.....1STAPPLICANT  
DR. KAMENWA NJENGA.....2NDAPPLICANT  
AND  
KEBIRIGO GENERAL STORES LIMITED.....RESPONDENT**

**(An application for stay pending an intended appeal from  
the ruling of the High Court of Kenya at Nairobi (Hayanga,  
J.) dated 12th February, 1996**

**in  
H.C.C.C. NO. 2891 OF 1995)**  
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**RULING OF THE COURT:**

Applications Nos. 318 and 319 both of 1996 have been consolidated and have been argued together. The two applications are seeking stay of the order of the superior court granting an injunction restraining the applicants from trespassing upon the respondent's property L.R. 209/12222 to which it has title. Apart from some letters of allocation from the City Commission the applicants have no other claim to the said property. Upon this, we do not consider that they have an arguable appeal to this Court against the order of the superior which they now seek to have stayed under rule 5 2(b) of the Rules of this Court pending hearing and disposal of their intended appeal. In the result, we think that the two consolidated applications are unmeritorious and the same are dismissed with costs to the respondent.

**Dated and delivered at Nairobi this 10th day of March, 1997.**

**J.E. GICHERU**

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**JUDGE OF APPEAL**

**R.S.C. OMOLO**

.....

**JUDGE OF APPEAL**

**A.A. LAKHA**

.....

**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**