



REPUBLIC OF KENYA

IN THE COURT OF APPEAL
AT NAIROBI

(CORAM: GICHERU, AKIWUMI & PALL, JJ.A.)

CIVIL APPLICATION NO. NAI 400 OF 1996

BETWEEN

JONES WAMBUA MAINGI APPLICANT

AND

WILLIAM MASAI KILUVA RESPONDENT

(Application for stay of execution pending Appeal in an
intended Appeal from a Judgment of the High Court of
Kenya at Nairobi (Justice Juma) dated 30th July,
1996
in
H.C.C.C. NO. 3972 OF 1991)

RULING OF THE COURT

The applicant must show in order to succeed, that the appeal is arguable and furthermore, that the appeal will be rendered nugatory if stay is not granted. The applicant has not uttered anything to show that the appeal is not a frivolous one neither has any evidence been offered to substantiate the proposition that the appeal if successful would be nugatory. This application is clearly without merit and it is dismissed, but without costs.

Dated and delivered at Nairobi this 4th day of July, 1997.

J. E. GICHERU

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JUDGE OF APPEAL

A. M. AKIWUMI

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JUDGE OF APPEAL

G. S. PALL

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JUDGE OF APPEAL

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