



REPUBLIC OF KENYA



KENYA LAW
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**Odida v Simiyu & 2 others (Civil Appeal E146 of 2025)
[2025] KEHC 14996 (KLR) (16 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 14996 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CIVIL APPEAL E146 OF 2025
JM OMIDO, J
OCTOBER 16, 2025**

BETWEEN

CHARLES ONYANGO ODIDA APPELLANT

AND

PETER NYONGESA SIMIYU 1ST RESPONDENT

**MINISTRY OF INTERIOR & NATIONAL CO-ORDINATION 2ND
RESPONDENT**

ATTORNEY GENERAL 3RD RESPONDENT

RULING

1. The Appellant's application by motion on notice dated 14th July, 2025 is expressed to be brought under Article 159 of the *Constitution*, Sections 1A, 1B and 3A of the *Civil Procedure Act*, Order 7 Rule 1, Order 10 Rules 9, 10 and 11, Order 22 Rule 22 and Order 51 Rule 1 & 2 of the Civil Procedure Rules and seeks the following orders:
 - a. [Spent].
 - b. [Spent].
 - c. That the Appellant be and is hereby granted stay.
 - d. That the Honourable Court do issue an order that it deems fit, just and fair.
 - e. That costs of the application be provided for.
2. The parties herein filed their respective submissions on the application.



3. When the matter was placed before me for directions on 8th October, 2025, Ms. Shikola Advocate appeared for the Appellant while Mr. Neriko Advocate represented the 1st Respondent. There was no appearance for the 2nd and 3rd Respondents.
4. I put forth a question to Ms. Shikola and sought to find out from her whether the application as presented had any substantive prayers that are capable of being granted. Counsel responded and stated that she would leave the issue for the court's determination.
5. Prayers a and b of the application are already spent. Prayer c reads as follows:

“c. That the Appellant be and is hereby granted stay”.
6. The prayer does not go further to state what the nature and purpose of the stay is. For instance, the application does not state whether what is sought is a stay of proceedings or of execution. It further does not specify if the stay is sought (whether of proceedings or execution, etc) pending the hearing of the appeal or for any other purpose.
7. In my view, the application is incomplete as there is no clear substantive prayer sought.
8. Being of the foregoing view, it will be preposterous to look into the merits of the application. I proceed to strike out the application with costs to the 1st Respondent.
9. The appeal will be mentioned on 28th January, 2026 for directions.
10. As parties were agreeable that the ruling in this matter do apply to the other matters in the series with similar applications, to wit Kisumu HCCA No. E148 of 2025; E149 of 2025; E150 of 2025; and E151 of 2025, a copy of this ruling shall be placed in each of the respective files as being applicable to the similar applications therein.

DELIVERED (VIRTUALLY), DATED & SIGNED THIS 16TH DAY OF OCTOBER, 2025.

JOE M. OMIDO

JUDGE

For the Appellant: Ms. Shikola.

For the 1st Respondent: Mr. Neriko.

For the 2nd Respondent: No Appearance.

For the 3rd Respondent: No Appearance.

Court Assistants: Mr. Ngoge & Mr. Juma.

