

REPUBLIC OF KENYA
IN THE HIGH COURT AT KENYA AT BUNGOMA
HCCMISC. E146 OF 2025

KASSIM WESONGAAPPLICANT

VERSUS

**MOSES WEKESA WAMALWA (suing as the personal
representative of**

**CHRISTINE NYONGESA NASIMIYU (DCD)
.....RESPONDENT**

RULING

- 1.** I have considered the application dated 26/7/2025, together with the supporting affidavit and the annexures to the application. The application wasn't opposed.
- 2.** The judgement the subject of this ruling was delivered on 30.6.2024. According to the applicant, they did not receive the uploaded judgement in the CTS.
- 3.** The judgment was never uploaded; therefore, they sought the court proceedings in June 2025 and filed this application on 30.7.2025. I will accept the explanation given by the applicant, as the court apparently caused the delay.
- 4.** I therefore extend the time for the application to lodge his appeal against the judgment delivered on 30.7.2024 in **Kimilili CMCC E099 of 2021.**
- 5.** The Applicant/Appellant shall submit and serve his memorandum of appeal within 14 days from the date of this Ruling.

6. On the application for a stay of execution, the Appellant/Applicant requests that the decretal sum be deposited into a joint interest-earning account in the names of both counsel. This request has not been opposed. The court grants this prayer. A stay of execution will be issued on the condition that the applicant deposits the decretal sum in **Kimilili CMCC E099 of 2021** into a joint interest-earning account in the names of both advocates within 30 days from today. If the applicant defaults, the stay order shall be vacated and the Respondents will be at liberty to execute the decree.
7. Costs be in the cause.

Dated, signed, and delivered at Bungoma on this 29th day of October 2025.

**R.OUGO
JUDGE**

In the presence of:

**Miss Kirigo
Respondent
Wilkister**

**-For the Applicant
- Absent
- C/A**