



**Ng'ang' v Okiro (Civil Appeal E266 of 2024)
[2025] KEHC 15829 (KLR) (4 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 15829 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CIVIL APPEAL E266 OF 2024
SM MOHOCHI, J
NOVEMBER 4, 2025**

BETWEEN

JOHN MWAURA NG'ANG'A APPELLANT

AND

HARON BOTA OKIRO RESPONDENT

RULING

1. Before me is a Notice of Motion dated 26th June, 2025 seeking a temporary stay against execution of judgment pending hearing of the application.
2. That the Court extends time by 30 days to enable compliance of the judgment in the subordinate court.
3. That the Applicant seeks an order of extension to comply with the directions of the Court issued in Misc. 222/2024 with regard to depositing the decretal sum within 45 days.
4. This Court notes that the conditional order issued on 7th November, 2024 the Applicant only complied with Order 1 and failed to comply with the conditions as enumerated in order (iii), (iv) and (v).
5. Order (vi) was a self-trigger mechanism upon default.
6. The Court notes that the Applicant only filed the Appeal on 9th November, 2024 and never complied with the other orders.
7. The Applicant attributes noncompliance on the predicaments of its insurer the Direct Line Assurance Co. Ltd and freezing of its accounts and various Garnisee Orders.
8. This Court notes this was a small claim that ought not to be a matter pending before Court.
9. The Court further notes that while the instant application is unopposed, this Court views the application as res judicata as the conditional stay granted lapsed without the Applicant seeking review of the same.



10. This Court accordingly notes that the Appellant has since filed the Record of Appeal dated 15th January, 2025.
11. I find the application dated 26th June, 2025 to be undeserving of the Court's discretionary relief and to be without merit. The same is accordingly dismissed without costs.
12. The Appellant is to set-down the Appeal for admission and hearing within 60 days.

It so ordered.

SIGNED, DATED AND DELIVERED AT NAKURU ON THIS 4TH DAY OF NOVEMBER, 2025

MOHOCHI S.M

JUDGE

