



**Lukoko v Simiyu (Civil Appeal E160 of 2025)
[2025] KEHC 17258 (KLR) (25 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 17258 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
CIVIL APPEAL E160 OF 2025
MS SHARIFF, J
NOVEMBER 25, 2025**

BETWEEN

STANISLAUS WEKESA LUKOKO APPELLANT

AND

BEATRICE SIMIYU RESPONDENT

RULING

1. I have considered the Applicant's /Appellant's notice of motion dated 6.11.2025, the affidavit in support thereof sworn by Moses Barasa on even date and the Replying affidavit of Beatrice Simiyu on 17.11.2025. I have also considered the oral submissions of parties advocates while noting that the Appellant has intimated the intention of his insurer to issue a bank guarantee as security for eventual settlement of the Judgment sum while the Respondent maintains that the decretal sum ought to be deposited in a joint interest earning account of parties advocates.
2. I do find that the applicant has moved this court without delay, has offered to furnish security in form of a bank guarantee and is apprehensive that if stay is not granted then his appeal may be rendered nugatory. Further that the respondent may not be able to undertake restitution. I do find that the applicant has met the threshold under order 42 Rule 6 of the Civil Procedure Rules for grant of stay.
3. On the other hand Respondent as a successful party in the lower court is entitled to enjoy the fruits of Judgement. Given that this court has to balance the interest of all the parties herein, I will allow this application conditional upon the Applicant furnishing security. I thus make the following orders: -
 - (1) An order of stay of execution is hereby granted against the Judgement delivered in Kimilili CMCC No. E111 of 2024 pending the hearing and determination of this appeal on the following conditions: -



- a. The appellant shall deposit the Judgement sum being Ksh 400,000/- in a joint interest earning account of parties' advocates with a reputable bank within 45 days from the date hereof.
 - b. In the event of default and compliance with order 1 (a) hereinabove the Respondent shall be at liberty to execute.
- (2) The Respondent is awarded costs of this application assessed at Ksh 15,000/- payable within 45 days from the date hereof.

DELIVERED, SIGNED, AND DATED AT BUNGOMA THIS 25TH DAY OF NOVEMBER, 2025.

MWANAISHA S. SHARIFF

JUDGE.

