



Amufa v Makabwana alias Samwel Mabeche & another (Civil Appeal E096 of 2025) [2025] KEHC 18005 (KLR) (4 December 2025) (Ruling)

Neutral citation: [2025] KEHC 18005 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MIGORI
CIVIL APPEAL E096 OF 2025
ACA ONG'INJO, J
DECEMBER 4, 2025**

BETWEEN

CHARLES AMUFA APPELLANT

AND

SAMWEL MAKABWANA ALIAS SAMWEL MABECHE 1ST RESPONDENT

SAMWEL OKUMU ORARE 2ND RESPONDENT

RULING

1. Judgment was entered against the Appellant herein in the sum of Kshs. 84,900/= together with costs and interest at court rates from the date of filing suit in Migori SCCCOMM E068 OF 2025 on 7th June 2025.
2. Being aggrieved with the judgment he preferred the appeal herein vide Memorandum of Appeal dated 2nd July 2025 concurrently with application dated 2nd July 2025 seeking for stay of execution pending hearing and determination of the appeal herein.
3. The application is premised on the grounds on its face and supporting affidavit sworn on 4 July 2025 in which it is averred that the appeal raises salient grounds with high chances of success and that the Respondents are men of no known means hence the appeal shall be rendered nugatory if execution goes on as they shall not be able to refund the decretal sums which is colossal.
4. The Applicant averred that he was ready to abide by any terms and conditions for security that the court may direct.
5. It was also averred that the grant of the orders sought will not prejudice the Respondents in any way and that the Appellant stands to suffer irreparable loss and damage if the orders are not granted since he is a small scale businessman and is unable to raise the whole amount and he would need an access to loan facility which would attract high interest rates to his detriment.



6. The application was heard by way of written submissions. The Applicant filed submissions dated 29th September 2025
7. This court has considered the application, the grounds and the supporting affidavit as well as the submissions and authorities therein and in order to safeguard the rights of both the Applicant and the Respondents this court hereby orders that the Applicant deposits in court the entire decretal sums within 14 days as a condition for stay of execution.
8. This matter will be mentioned on 23rd February 2025 to confirm ROA filed and served and further directions on the disposal of the appeal.

It is so ordered.

SIGNED DATED AND DELIVERED AT MIGORI THIS 4TH DAY OF DECEMBER, 2025.

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A. ONG'INJO

JUDGE

