



**Ogejo Omboto & Kijala, Advocates, LLP v United Millers Limited (Miscellaneous Application E040 of 2023) [2025] KEHC 18974 (KLR) (22 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18974 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
MISCELLANEOUS APPLICATION E040 OF 2023  
WM MUSYOKA, J  
DECEMBER 22, 2025**

**BETWEEN**

**OGEJO OMBOTO & KIJALA, ADVOCATES, LLP ..... APPLICANT**

**AND**

**UNITED MILLERS LIMITED ..... RESPONDENT**

**RULING**

1. I am called upon to determine an application, dated 14<sup>th</sup> October 2025. It seeks stay of execution of the ruling that I delivered herein on 7<sup>th</sup> October 2025, pending hearing and determination of an appeal that the respondent has filed.
2. Stay of execution can only be of an order, and not of the ruling itself. A ruling is not capable of execution, for it is the order made in that ruling which is executable.
3. In the ruling of 7<sup>th</sup> October 2025, I dismissed the application, dated 6<sup>th</sup> June 2025. A dismissal order is not capable of execution, to warrant stay of execution orders being made, with respect to it.
4. In view of the above, I do not have any material, before me, upon which I can grant the orders sought in the application, by way of the Motion, dated 14<sup>th</sup> October 2025.
5. That application is hereby dismissed, with costs. The temporary orders in place are hereby discharged. Orders accordingly.

**DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA, ON THIS 22<sup>ND</sup> DAY OF DECEMBER 2025.**

**WM MUSYOKA**

**JUDGE**

Mr. Arthur Etyang, Court Assistant.



Advocates

Mr. Odhiambo, instructed by Wasuna & Company, Advocates for the applicant.

Mr. Okwemba, instructed by Ogejo Omboto & Kijala, Advocates for the respondent.

