

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT BUSIA**  
**JUDICIAL REVIEW NO. E010 OF 2025**

**GAGO LEAKEY ACHARRY.....APPLICANT**

**VERSUS**

**MOSES                      IRUKAN                      ESSEU                      &**

**OTHERS.....RESPONDENTS**

**RULING**

1. I am called upon to determine an application, dated 12<sup>th</sup> November 2025. It seeks stay of execution and leave to appeal.
2. I have read and considered the application, as well as the trial court record.
3. I am persuaded to grant leave to the applicant to file appeal, within 30.
4. There shall be stay of execution, pending the filing of the proposed appeal and its determination, if filed.
5. As a condition for the stay, the applicant shall deposit the judgement sum, of Kshs. 221,989.00, at the trial court, in 30 days, in default of which the stay order shall automatically lapse.

6. Orders accordingly.

**DELIVERED, VIA EMAIL, DATED AND SIGNED IN  
CHAMBERS, AT BUSIA, ON THIS 25<sup>TH</sup> DAY OF  
FEBRUARY 2026.**

**WM MUSYOKA  
JUDGE**

**Mr. Arthur Etyang, Court Assistant.**

**Mr. Leakey Alex Gago, the applicant, in person.**

**Mr. Moses Irukan Esseu & the others, the respondents,  
in person.**