

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT BUSIA**  
**CIVIL APPEAL NO. E054 OF 2025**

**LUFREE AUCTIONEERS.....1<sup>ST</sup> APPELLANT**

**BUSIA BIDII YANGU**

**CREDITS & SAVINGS.....2<sup>ND</sup> APPELLANT**

**VERSUS**

**DAVID**

**EDMOND**

**BUYALA.....RESPONDENT**

(Appeal from judgement and decree, of Hon. AZ  
Ogange, Resident Magistrate/Adjudicator, delivered  
on 16<sup>th</sup> July 2025, in Malaba SCCCOMM No. E006 of  
2025)

**RULING**

1. I am called upon to determine an application, dated 25<sup>th</sup> October 2025. It seeks stay of execution pending appeal. An appeal has been filed herein, and the application herein is filed within the appeal.
  
2. To do justice to both sides, I do hereby allow the said application. Let the appellant deposit in court the total judgement sum of Kshs. 350,000.00, in 30 days, in default of which the stay order shall lapse.

3. Let the appellants file and serve his record of appeal, within 30 days. The matter shall be mentioned, on 20<sup>th</sup> April 2026, for directions on disposal of the appeal. Orders accordingly.

**DELIVERED, VIA EMAIL, DATED AND SIGNED IN  
CHAMBERS, AT BUSIA, ON THIS 27<sup>TH</sup> DAY OF  
FEBRUARY 2026.**

**WM MUSYOKA  
JUDGE**

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

**Advocates**

**Mr. Ouma, instructed by BM Ouma & Company,  
Advocates for the appellant.**

**Mr. Khayumbi, instructed by JI Khayumbi & Company,  
Advocates for the respondent.**