

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT ELDORET

E & L APPEAL CASE NO. 18 OF 2019

CHARLES MUKABI SIHULI.....PLAINTIFF/APPLICANT

VERSUS

MAINA GITHONGO.....1ST RESPONDENT

MWANGI GITHONGO.....2ND RESPONDENT

RULING

The Applicant prays for Stay of Execution of the decree of the Rent Restriction Tribunal.

The Rent Restriction Tribunal heard the parties and gave the Applicant upto 30/5/19 to pay the outstanding arrears. The same has not been paid and he now wants the court to give him 90 days to pay the outstanding arrears.

For an application of stay of Execution to be granted, the applicant must meet the threshold for grant of such orders. That he is going to suffer damages if the orders are not granted and must offer security for the performance of the decree.

The Applicant states that he has filed an appeal which is not exhibited in the court and in the same breath says that he is expecting money to pay the outstanding arrears. He also states that he has a house in Kileleshwa.

I find that the application does not meet the threshold of Stay of Execution, the Applicant can go and stay in his Kileleshwa house as he waits to clear the outstanding balance.

On humanitarian grounds I give the Applicant 30 days to move out of the premises failure of which he be evicted.

Dated and delivered at Eldoret on this 19th day of June, 2019.

M.A. ODENY

JUDGE

Ruling read in open court in the presence of Mr.Muhoro for Respondents and Appellant in person.

Mr.Emmanuel – Court Assistant