



REPUBLIC OF KENYA



KENYA LAW
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**Nambanga v Opeto (Civil Appeal E049 of 2025)
[2026] KEHC 2526 (KLR) (27 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 2526 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CIVIL APPEAL E049 OF 2025
WM MUSYOKA, J
FEBRUARY 27, 2026**

BETWEEN

CHRIS SOLOMON NAMBANGA APPELLANT

AND

FIDELIS EKISA OPETO RESPONDENT

*(Appeal from judgement and decree, of Hon. AZ Ogange, Resident Magistrate/
Adjudicator, delivered on 25th June 2025, in Malaba SCCCOMM No. E068 of 2024)*

RULING

1. I am called upon to determine an application, dated 20th November 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. 700,000.00, in 30 days, in default of which the stay order shall lapse.
3. Let the appellant file and serve his record of appeal, within 30 days. The matter shall be mentioned, on 20th April 2026, for directions on disposal of the appeal. Orders accordingly.

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

WM MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.

Advocates

Mr. Simon Peter, instructed by SP Batwaula & Associates, Advocates for the appellant.



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

