

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT HOMABAY**  
**CIVIL APPEAL NO. E063 OF 2025**

**DAVID OUMA ONDUTO .....**  
**APPELLANT**

**VERSUS**

**MARY AKINYI SOMBE .....**  
**RESPONDENT**

**RULING**

I have perused and considered the Notice of Motion dated 4/12/2025 together with its Supporting Affidavit and the documents annexed thereto. The applicant seeks stay of execution pending the hearing and determination of this appeal. The application is unopposed.

In the premises, I find no reason to decline the same.

The application is hereby allowed and orders granted as hereunder:

- 1) That stay of execution of the judgment and Decree passed in Kendu Bay SPMCC No. E032/2025 be and is hereby granted pending the hearing and determination of the appeal.

- 2) That by way of security, the applicant to deposit the entire decretal sum in court within 30 days from the date hereof.
- 3) Mention on 27/8/2026 for directions on the appeal. Mention notice to issue.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT HOMA BAY  
THIS 16<sup>TH</sup> DAY OF MARCH, 2026**

**OLGA SEWE**  
**JUDGE**