

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT BUSIA**  
**CIVIL APPEAL NO. E002 OF 2026**

**ALFRED BARASA OMONDI.....APPELLANT**

**VERSUS**

**CHRISTOPHER OCHIENG NYANG'EYA.....RESPONDENT**

**(Appeal from judgement and decree, of Hon. Kassim Akida, Resident Magistrate/Adjudicator, delivered on 30<sup>th</sup> December 2025, in Busia SCCCOMM No. E332 of 2025)**

**RULING**

1. I am called upon to determine an application, dated 21<sup>st</sup> January 2026. 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 decretal sum of Kshs. 89,959.00, in 30 days, in default of which the stay order shall automatically lapse.
3. Let the appellant file and serve his record of appeal, within 30 days. The matter shall be mentioned, on

14<sup>th</sup> May 2026, for directions on disposal of the appeal. Orders accordingly.

**DELIVERED, VIA EMAIL, DATED AND SIGNED IN  
CHAMBERS, AT MILIMANI, NAIROBI, ON THIS 10<sup>TH</sup>  
DAY OF APRIL 2026.**

**WM MUSYOKA  
JUDGE**

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

**Advocates**

**Mr. Kakinga, instructed by Bitala & Kakinga,  
Advocates for the appellant.**

**Mr. Okutta, instructed by Ouma-Okutta & Associates,  
Advocates for the respondent.**