



REPUBLIC OF KENYA



KENYA LAW
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**Abdalla v Abdalla (Civil Appeal E016 of 2025)
[2026] KEHC 6060 (KLR) (30 April 2026) (Ruling)**

Neutral citation: [2026] KEHC 6060 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT GARSEN
CIVIL APPEAL E016 OF 2025**

JN NJAGI, J

APRIL 30, 2026

BETWEEN

OMAR MOHAMED ABDALLA APPLICANT

AND

ABDALLA MOHAMED ABDALLA RESPONDENT

*(Being an appeal from the Ruling and Order of Hon. Mursal Sizi, Principal Kadhi
in KCSUCC/E013/2024 at Lamu Kadhi's Court delivered on 28th May 2025)*

RULING

1. The applicant Omar Mohamed Abdalla has filed an application dated 1st July 2025 seeking for orders that:
 1. Spent
 2. Spent
 3. That pending the hearing and determination of the appeal herein there be a stay of execution of the decree and judgment issued by the Kadhi's Court at Lamu in case no. KCSUCC/E013/2024.
 4. The application is based on grounds stated on the face of the application and supported by the affidavit of the Applicant.
3. The Applicant avers that he resides in a house which is the subject of the decree and judgment of the Kadhi's Court at Lamu. That the Kadhi's Court delivered a judgment requiring him to vacate within 60 days the house where he resides with his family. That he has filed an appeal against the said judgement which is pending before this court. That he risks being evicted and rendered homeless if stay is not granted. That the delay in filing the application for stay of execution was occasioned by the Applicant's illiteracy and lack of knowledge of legal procedure.



4. That the applicant is willing to comply with conditions as to security as the court may impose. That unless the orders sought are granted the appeal will be rendered nugatory and the applicant will suffer substantial loss.
5. The application was opposed by the respondent Abdalla Mohamed Abdalla vide his replying affidavit dated 10th November, 2025. The contents thereof however were not relevant to the instant application.
6. The applicant filed submissions in support of application but they were not relevant to the application before court.
7. I have considered the grounds in support of the application. The applicant is seeking for stay of execution of the decree pending the hearing of the appeal pending herein. I have noted that there were no grounds put forward by the respondent opposing the application. In view of that there is no reason for me to refuse granting the application. In the premises the application for stay of execution is granted as prayed in the Notice of Motion dated 1st July 2025.

DELIVERED, DATED AND SIGNED AT GARSEN THIS 30TH DAY OF APRIL 2026.

J. N. NJAGI

JUDGE

In the presence of:

Appellant present

N/a for Respondent

Court Assistant: Mwero

