



REPUBLIC OF KENYA

LAND AND ENVIRONMENT COURT AT KITALE

LAND CASE NO. 70 OF 2008

GABRIEL NJUGUNA NJOROGE.....PLAINTIFF

VERSUS

DAVID LOBONGON TIOKO.....DEFENDANT

R U L I N G

1. The application dated 12/10/17 filed by the defendant/Judgment debtor seeks an order of stay of execution of the decree and all consequential orders arising from the Judgment delivered by this court on 28/9/17 pending the hearing and determination of the defendants appeal to the Court of Appeal against the said judgement and decree.
2. The application is not opposed by the respondent/judgement creditor, but this submissions is made subject to a condition that the applicant gives security in the form of a deposit of the decretal sum plus two years rent, being a total sum of **Kshs.1,932,000/=** in a joint interest earning account pending the determination of the appeal.
3. I therefore grant the application dated 12/10/17 in terms of **Prayer No.3** thereof on condition that the applicant shall deposit the sum of **Kshs.1,932,000/=** in a joint interest earning account held between both the applicant's Advocates and the Respondent's Advocates in a reputable Banking institution.
4. The said deposit shall be made within 30 days of this order failing which the order shall automatically lapse. The plaintiff/decreed holder's advocates shall ensure their maximum co-operation to ensure that the deposit of the funds in such account within the said period is a success.

Dated, signed and delivered at Kitale on this 30th day of January, 2018.

MWANGI NJOROGE

JUDGE

30/01/2018

Coram

Before: Mwangi Njoroge, Judge

Court Assistant - Isabellah

COURT

Ruling read in open court in the presence of Mr. Bisonga for the Defendant and in the absence of the plaintiff or his counsel.

MWANGI NJOROGE

JUDGE

30/01/2018