



**Wanjala v Wamalwa (Civil Application E096 of 2025)
[2025] KECA 1292 (KLR) (16 July 2025) (Ruling)**

Neutral citation: [2025] KECA 1292 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CIVIL APPLICATION E096 OF 2025
MSA MAKHANDIA, JA
JULY 16, 2025**

BETWEEN

CHRISTOPHER SIMIYU WANJALA APPLICANT

AND

BEATRICE NANJALA KOLOLI WAMALWA RESPONDENT

(Being an Application for stay of execution from the Ruling of the High Court of Kenya at Bungoma, (Ogo, J.) dated 27th February, 2025 in High Court Succession Cause No. 174 of 2014)

RULING

1. I note that the above application had earlier come before me for certification that it was urgent. I declined to do so as I was not persuaded that it was. The applicant then promptly invoked Rule 49(5) of the *Court of Appeal Rules*, so that the application may be heard interpartes on the question of urgency only.
2. The file was once again placed before me for directions. I gave directions that the application be served on the respondents for hearing interpartes on the question of urgency. I further directed that the question shall be determined on written submissions by respective counsel and without their appearance.
3. Today, the application is before me for hearing. Though the applicant has complied with the directions and filed the written submissions, the respondents have not. I have perused the affidavit of service filed by counsel for the applicant which demonstrates beyond peradventure that respondent's counsel Messrs Khakula & Co advocates were duly served with the application as directed and in good time. It would appear therefore that the respondents are not opposed to the certification sought.
4. Accordingly, I now certify the application urgent.

DATED AND DELIVERED AT KISUMU THIS 16TH DAY OF JULY, 2025.



ASIKE-MAKHANDIA

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JUDGE OF APPEAL

I certify that this is a true copy of the original

Signed

DEPUTY REGISTRAR

