



**M’Njogu & 7 others v Grace Karwirwa sued as the administrator
of the late Gerald Mwangi Mugo (Deceased) (Civil Application
E061 of 2021) [2021] KECA 152 (KLR) (10 November 2021) (Ruling)**

Neutral citation: [2021] KECA 152 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPLICATION E061 OF 2021
J MOHAMMED, DK MUSINGA & HM OKWENGU, JJA
NOVEMBER 10, 2021**

BETWEEN

**JULIUS MWORIA M’NJOGU 1ST APPLICANT
M’MARETE M’WITARI 2ND APPLICANT
PAUL MURIIRA M’NJOGU 3RD APPLICANT
JULIUS MWITI 4TH APPLICANT
JOHN MUTHOMI 5TH APPLICANT
DANIEL MUTUA MUGWIKWA 6TH APPLICANT
KIJUKI KAIGA 7TH APPLICANT
KAREMU M’ITUAMIKWA 8TH APPLICANT**

AND

**GRACE KARWIRWA SUED AS THE ADMINISTRATOR OF THE LATE
GERALD MWANGI MUGO (DECEASED) RESPONDENT**

*(An application for stay of execution of the Decree
by (L.N. Mbugua ELC. J.) dated 21st July, 2021)*

RULING

1 The respondent’s learned Counsel, Mr. Ndubi, has sought time to put in written submissions and a replying affidavit. He has told the Court that he was served with the hearing notice only yesterday. He requires about 14 days to file his papers. The applicant’s learned counsel, Mr. Mwarania, has no objection to that application but prays that the application that is scheduled to be heard before the trial court on 15.11.2021 that caused this application to be listed for hearing today be stayed.



2 We have considered the respondent's application and think that it is reasonable. In the circumstances, we adjourn the hearing of this application and make the following orders:

1. The respondent is hereby granted leave to file and serve written submissions and replying affidavit to the applicant's application within 14 days from today.
2. Pending the hearing and determination of this application, there shall be interim stay of the eviction proceedings that are pending before the trial court.
3. Upon the filing of the replying affidavit and the submissions by the respondent, this application shall be set down for hearing on priority basis.
4. Today's costs shall be in the cause.

DATED AT NAIROBI THIS 10TH DAY OF NOVEMBER, 2021

D. K. MUSINGA, (P)

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JUDGE OF APPEAL

HANNAH OKWENGU

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JUDGE OF APPEAL

J. MOHAMMED

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JUDGE OF APPEAL

I certify that this is a true copy of the original

DEPUTY REGISTRAR

