



IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: KIAGE, GATEMBU & KANTAL, J.J.A.)

CIVIL APPLICATION NO. 170 OF 2020

BETWEEN

THE COUNTY GOVERNMENT OF GARISSA 1ST APPLICANT

THE COUNTY SECRETARY GARISSA COUNTY.....2ND APPLICANT

CHIEF OFFICER FINANCE & ECONOMIC

PLANNING GARISSA COUNTY3RD APPLICANT

AND

TAKAFUL INSURANCE OF AFRICA LIMITED (KENYA)RESPONDENT

(An application for stay of execution of the Ruling and Order of the High Court of Kenya at Garissa (Kariuki, J.) dated 12th February, 2020 in H.C.C.C. No. 8 of 2019)

RULING OF THE COURT

The Motion dated 25th June, 2020 is brought pursuant to **rules 5(2) (b) and 42** of the **rules of this Court**. The main prayers are that the applicant be granted leave to file a notice of appeal out of time against the ruling and orders of the High Court of Kenya at Garissa given on 12th February, 2020 in Garissa H.C.C.C. No. 8 of 2019 and the other prayer is that we be pleased to issue an order of stay of execution of the said ruling.

We note that there is a Judgment by the High Court where a money decree was issued and, on the application by the applicant, a conditional stay of execution was granted.

An application for extension of time for the doing of any act by the Court is provided for under **rule 4** of the **rules of this Court**. Such application is heard by a single Judge while an application for stay of execution is provided for under **rule 5(2) (b)** of the said **rules**, the latter is heard by the full court.

Our jurisdiction is triggered by a notice of appeal.

We note that, here, the applicant must first be heard on the application for leave to extend time to file a notice of appeal.

The proper order to make, which we hereby do, is that the Motion be placed before a single Judge under **rule 4** of the **rules of the Court** for the application for leave to extend time to file notice of appeal to be heard.

Dated and delivered at Nairobi this 20th day of November, 2020.

P.O. KIAGE

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JUDGE OF APPEAL

S. GATEMBU KAIRU, FCIArb

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JUDGE OF APPEAL

S. ole KANTAI

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JUDGE OF APPEAL

I certify that this is a true copy of the original.

Signed

DEPUTY REGISTRAR