



IN THE COURT OF APPEAL

AT KISUMU

(CORAM : MARAGA, AZANGALALA & KANTAI. JJ.A.)

CIVIL APPLICATION NO. 2 OF 2015 (UR 1 OF 2015)

BETWEEN

WALLACE KIPYEGON CHAMDANY APPLICANT

AND

DAVID KIPYEGON CHEPKWONYRESPONDENT

(An Application for stay of execution under Rule 5 (2) (b) of the Court of Appeal Rules pending hearing & determination of Kisumu Civil Appeal No.4 of 2015 from the Judgment & Decree of the of the High Court of Kenya at Kericho (Waithaka J.) dated 9th December, 2014

HCCC. NO. 27 OF 2011

ORDER OF THE COURT

Upon this application coming up for hearing this morning, learned counsel for the parties inform us that they have a consent in the following terms:

By consent of the parties, herein the status quo obtaining now be maintained pending the hearing and determination of Kisumu Civil Appeal No. 4 of 2015.

The respondent is restrained from selling, parting with possession, transferring or charging the suit property pending the hearing and determination of the said appeal No.4 of 2015.

It is further agreed by consent that there be a stay of execution to recover damages awarded against the appellant.

Costs of the application be in the appeal.

MADE AT KISUMU THIS 4TH DAY OF MARCH, 2015

D.K.MARAGA

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JUDGE OF APPEAL

F. AZANGALALA

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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.

DEPUTY REGISTRAR