



**IN THE COURT OF APPEAL**

**AT KISUMU**

**(CORAM: MUSINGA, GATEMBU & MURGOR J.J.A)**

**CIVIL APPLICATION NO. 9 OF 2015 (UR 7/15)**

**BETWEEN**

**DAVID OKOMO ODINDO.....APPLICANT**

**AND**

**JUDITH AUMA OJUKI.....RESPONDENT**

**(An application for stay of execution of the Judgment and Decree of the High Court of Kenya at Kisumu (Hon. Justice E. N. Maina, J.) dated 19th February, 2015**

**in**

**H.C.C.A. NO. 47 OF 2013)**

**\*\*\*\*\***

**ORDER OF THE COURT**

The substantive appeal between the parties is scheduled for hearing today. In the circumstances the parties have agreed and we order that the application dated 18/3/2015 is marked as withdrawn on terms that the applicant shall continue having custody of the minor pending determination of the appeal. The Respondent shall have access to the minor during the school holidays.

The costs of the application shall be costs in the appeal.

**Dated at Kisumu this 1st day of July, 2015.**

**D. K. MUSINGA**

.....

**JUDGE OF APPEAL**

**S. GATEMBU KAIRU, FCIArb**

.....

**JUDGE OF APPEAL**

**A. K. MURGOR**

.....

**JUDGE OF APPEAL**

I certify that this is a true  
copy of the original

**DEPUTY REGISTRAR**