



REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT KISUMU
(CORAM: OMOLO, O’KUBASU & DEVERELL, J.J.A.)
CIVIL APPLICATION NAI 166 OF 2005 (UR 100-05)
BETWEEN

NAROK COUNTY COUNCIL APPLICANT

AND

KALYSOI FARMER CO-OPERATIVE SOCIETY

SAMWEL KIPKEMOI LANGAT

JONATHAN KIPKORIRI BORE

NICHOLAS K. KIMETO

FRANCIS KIMUTAI MARITIM

STANLEY KIBET KIRINYET

JOSEPH KIPKOSKE KILELE RESPONDENTS

(An application for stay of the Orders of the High Court of Kenya at

Nairobi (Ojwang J) dated 14th June, 2005

in

H.C.C.C. NO. 664 OF 2005)

RULING OF THE COURT

We have before us an application under **Rule 5 (2) (b)** of this Court’s Rules in which we are asked to order that all further proceedings in Nairobi High Court Civil Case No. 664 of 2004 and all the orders made therein on 14th June, 2005 be stayed pending determination of the intended appeal.

This application was certified urgent on 17th June, 2005 and it has come up for hearing today at mid-day. The proceedings to be stayed are to be placed before Ojwang J at 3.00 p.m. today.

We have heard submissions from the learned counsel appearing for the parties herein. It is our view that the intended appeal is arguable but we do not think the same would be rendered nugatory if this application was refused. The parties have the opportunity to raise all the issues relating to jurisdiction

during the hearing of contempt application. We would point out that it would be quite appropriate for the learned Judge to hear the arguments on jurisdiction while dealing with contempt application.

In view of the foregoing, we dismiss this application with costs and reserve our reasons to be given at a later date.

Dated and delivered at Kisumu this 22nd day of June, 2005.

R. S. C. OMOLO

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JUDGE OF APPEAL

E. O. O'KUBASU

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JUDGE OF APPEAL

W. S. DEVERELL

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR