

REPUBLIC OF KENYA

**IN THE COURT OF APPEAL
AT NAIROBI**

**(CORAM: OMOLO, GITHINJI & WAKI, JJ.A)
CIVIL APPLI NAI 189 OF 2005 (113/2005 UR)**

BETWEEN

S N K APPLICANT

AND

M S K RESPONDENT

*(An application for stay of execution of the Judgment/Decree of
the High Court of Kenya at Nairobi (Ang'awa, J) dated the 10th
May 2005*

in

HIGH COURT OF KENYA DIVORCE CAUSE NO. 6 OF 1997

CONSOLIDATED WITH

MISC. CIVIL APPLICATION NO. 1606 OF 1997 (O.S)

ORDER OF THE COURT

We are unable to hear and complete the matter to-day. We have asked counsel to try and reach a temporary compromise; they are unable to do so. We are inclined to make a temporary order and we do so and now order as follows:-

1. We order a temporary stay of the orders made by Ang'awa, J, on the condition that:-

(a) The Applicant shall pay to the Respondent a lump sum of shs.300,000/- within fourteen days of the date of the order; the lump sum covers the period from the date of payment to the hearing and determination of the motion.

(b) The Applicant shall pay a lump sum of shs.150,000/- for the maintenance of the daughter of the marriage living with the mother. That sum shall cover the period from the date of payment to the date of hearing and determination of the motion. The same sum, shall also be paid within fourteen days of the date hereof.

(c) The Applicant shall pay all the school fees payable in respect of the daughter.

2. If these orders are not complied with or not complied with within the stated period, the respondents shall be at liberty to execute the orders of these orders. 3. The costs of to-day shall be in the pending motion, which will be heard in October, 2005.

Made at Nairobi this 13th day of July, 2005.

R.S.C. OMOLO

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JUDGE OF APPEAL

E.M. GITHINJI

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JUDGE OF APPEAL

P.N. WAKI

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR.