



IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: TUNOI, O’KUBASU JJ.A & ONYANGO OTIENO AG. J.A)

CIVIL APPLICATION NO. NAI. 110 OF 2004 (UR. 59/2004)

BETWEEN

ANTHONY WACHIRA NDUMBI.....APPLICANT

AND

EUNICE WAKABARI KAROKI..... 1ST RESPONDENT

MARY WANJIRA KONDU..... 2ND RESPONDENT

(An application for stay of execution pending an intended appeal from the order of the High Court of Kenya at Nairobi (J.B Ojwang, J.) dated 15.12.2003

in

H.C.C.C. NO. 37 OF 2002 (OS)

RULING OF THE COURT

We allow the application for adjournment to enable counsel for the applicant to prepare his application. In this respect we grant the applicant leave to file a supplementary record to incorporate the documents he wishes to rely on in his Motion. This has to be done within 14 days hereof.

However, the application is removed from the Urgency List and shall be fixed for hearing in the Registry in the normal way. The 1st respondent shall remain in exclusive possession of the suit land until further orders of the Court. We also order an interim stay of orders made by Ojwang J. on 15th December, 2003 in HCCC No. 37 of 2002 (OS).

The costs occasioned by this adjournment are awarded to the respondents.

Dated and delivered at Nairobi this 6th day of October, 2004.

P.K. TUNOI

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JUDGE OF APPEAL

E.O. O’KUBASU

.....

JUDGE OF APPEAL

J.W. ONYANGO OTIENO

.....

AG. JUDGE OF APPEAL

I certify that this is

a true copy of the original.

DEPUTY REGISTRAR