

IN THE COURT OF APPEAL
AT NAIROBI

(CORAM: TUNOI, O'KUBASU & KEIWUA, J.J.A.)

CIVIL APPLICATION NO. NAI. 160 OF 2001 (UR. 85/2001)

BETWEEN

MWANIKI NJOROGE KAMAU

JOSIA KIMEMIA APPLICANTS

AND

LEE SHEH PONG RESPONDENT

(Application for stay of execution pending the hearing
and determination of an intended Appeal to be filed
from the judgment and decree of the High Court of
Kenya at Nakuru (Ondeyo, J.) dated 10th May, 1997

in

H.C.C.C. NO. 455 OF 1995)

RULING OF THE COURT

The respondent has the exhibits which are required by the applicants for the purposes of lodging the intended appeal and he appears unwilling for no apparent reason to release them to the applicants or to the court and yet he wants to execute the decree.

In the circumstances the application for stay of execution of the decree pending the hearing and determination of the intended appeal is granted as prayed. Further, the respondent is ordered to return all the exhibits tendered in the trial back to the superior court within 30 days hereof. The costs of this application shall be in the intended appeal.

Dated and delivered at Nairobi this 30th day of January, 2002.

P. K. TUNOI

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JUDGE OF APPEAL

E. O. O'KUBASU

.....
JUDGE OF APPEAL

M. Ole KEIWUA

.....
JUDGE OF APPEAL

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

DEPUTY REGISTRAR