



**IN THE COURT OF APPEAL**  
**AT NAIROBI**  
**CORAM: BOSIRE J.A (IN CHAMBERS)**  
**CIVIL APPLICATION NO. NAI.7 OF 2002 (UR.5/2002)**

**BETWEEN**

**MDC HOLDINGS LTD ..... IST APPLICANT**

**MARGARET WAIRIMU MAGUGU ..... 2ND APPLICANT**

**ARTHUR K. MAGUGU ..... 3RD APPLICANT**

**AND**

**J.P. MACHIRA T/A MACHIRA & CO. ADVOCATES ..... RESPONDENT**

Being an application for stay of execution pending the  
filing and determination of an intended appeal  
against the decision given by the superior court  
(Mr. Justice A. Ringera) on 15th January 2002

in

Milimani Commercial Courts

H.C.C.C. NO. 1549 of 2001)

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**R U L I N G**

I am not persuaded that this matter should be heard on a priority basis. There are various delays by the applicants in taking essential steps before the superior court which are unexplained. Counsel for the applicants admits as much. That being my view of the matter I find no basis for ruling that the motion herein should be given a priority hearing. I still decline to certify the motion as urgent. Today's costs assessed at Kshs.5000/= to the respondent, in any event.

**Dated at Nairobi and delivered this 29th day of January, 2002.**

**S.E.O. BOSIRE**

.....

**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**