



**REPUBLIC OF KENYA**

**IN THE COURT OF APPEAL**

**AT NAIROBI**

**CORAM: KWACH, LAKHA & BOSIRE J.A**

**CIVIL APPLICATION NO. NAI 357 OF 2001**

**OVERSEAS TRADING CO LTD. T/A DECORA NOVA ..... APPLICANT**

**AND**

**SHAH HIRJI MANEK LTD BAMBIS AGENVIES LIMITED ..... RESPONDENTS**

**(Being an application for stay of execution of the  
judgment and Decree of the High Court of Kenya at  
Nairobi (Mr. Justice Mbaluto) dated 21st September**

**2001**

**in**

**H.C.C.C 311 OF 2001)**

**\*\*\*\*\***

**RULING OF THE COURT**

Following what Mr. Inamdar for the applicant has stated, that an appeal has been filed, we do not think it will be in the interests of justice for us to hear the motion fully. The issues raised are fundamental and it is imperative that the issues be canvassed in the appeal itself to obviate a duplication and possibly conflict of opinion or opinions by this bench and the bench that will be hearing the appeal, on thoseI ni sstuhees .result, we grant orders in terms of the motion, but make no order as to costs.

**Dated and delivered at Nairobi this 18th June, 2002.**

**R.O. KWACH**

.....

**JUDGE OF APPEAL**

**A.A. LAKHA**

.....

**JUDGE OF APPEAL**

**S. E. O. BOSIRE**

.....

**JUDGE OF APPEAL**

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