

IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: LAKHA, J.A. (IN CHAMBERS))

CIVIL APPLICATION NO. NAI. 253 OF 2002 (UR. 127/02)

BETWEEN

SAMUEL KIPLETING RONO APPLICANT

AND

AGRICULTURAL FINANCE CORPORATIONRESPONDENT

(Application for Stay of Execution of the Order of the High Court of Kenya at Eldoret pending the hearing and determination of the Appeal arising therefrom now pending in the Court of Appeal (Honourable Mr. Justice Omondi Tunya) dated 11th July, 2002

in

H.C.C.C. NO. 14 OF 2002)

R U L I N G:

For the reasons advanced by Mr. Olunga and subject to the filing of the requisition notice of change the preliminary objection is rejected with costs. The application to proceed.

A.A. LAKHA

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JUDGE OF APPEAL

By consent both parties may file further affidavits. Leave granted to file supplementary affidavits within 14 days. Main application to be set down for hearing. Costs in the application.

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

A.A. LAKHA

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR