

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NYERI
(CORAM: KWACH, OMOLO & BOSIRE, JJ.A)
CIVIL APPLICATION NO. NAI. 132 OF 2001 (UR. 73/2001)
BETWEEN

CECILIA NTARAAPPLICANT
AND
ORIX OIL KENYA LTD.RESPONDENT

(Application for stay of execution in an intended appeal
from a ruling of the High Court of Kenya at Meru
(Mr. Justice Tuiyot) dated 19th April, 2001

in
H.C.C.C NO. 35 OF 1999)

RULING OF THE COURT

This is an application under **rule 5(2)(b)** of the Rules of this Court for a stay of what is essentially execution process under **Order 21** of the Civil Procedure Rules. No appeal lies from that order without the leave of the superior court and there is no evidence that an application for leave to appeal was made within the time prescribed by **Order 42 rule 2(3)** of the Civil Procedure Rules.

For these reasons this application fails and is dismissed but with no order as to costs.

Dated and delivered at Nyeri this 18th day of May, 2001.

R.O KWACH
.....
JUDGE OF APPEAL

R.S.C OMOLO
.....
JUDGE OF APPEAL

S.E.O BOSIRE
.....
JUDGE OF APPEAL

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

DEPUTY REGISTRAR