

**IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: OMOLO, LAKHA & KEIWUA, JJ.A.)
CIVIL APPLICATION NO. NAI. 47 OF 2001 (28/2001 UR)**

BETWEEN

RUTH WANZA NDUMBU APPLICANT

AND

SYMON MWANGI KIMARU RESPONDENT

**(Application for stay of Execution pending an intended appeal
from a Judgment of the High Court of Kenya at Nairobi
(Ramsey, Commissioner of Assize) dated 10th day of May,
2000**

in

H.C.C.C. NO. 275 OF 1999)

RULING OF THE COURT

This is an application for stay under rule 5(2)(b). Having carefully considered the submissions made by the respondent, we are not persuaded that the applicant has any arguable appeal. Nor are we satisfied that the appeal will be rendered nugatory if a stay is withheld. Much as we sympathise with the predicament in which the applicant finds herself this Court does not act on emotions or sympathies. The application fails and is dismissed with costs.

Dated and delivered at Nairobi this 7th day of May, 2001.

R.S.C. OMOLO

.....

JUDGE OF APPEAL

A.A. LAKHA

.....

JUDGE OF APPEAL

M. KEIWUA

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR