

**IN THE COURT OF APPEAL
AT NAIROBI
CORAM: KWACH, SHAH & O'KUBASU J.J.A
CIVIL APPLICATION NO. NAI. 286 OF 2001 (157/2001 UR)**

BETWEEN

MUNICIPAL COUNCIL OF KISUMUAPPLICANT

AND

NEELA BHANUBHAI PATELRESPONDENT

**(Application for stay of execution from Ruling/Order of
the High Court of Kenya at Kisumu (P.K.K. Birech,
Commissioner of Assize) dated 9th February, 2001**

in

KSM H.C.C.C. NO. 409 OF 1999)

RULING OF THE COURT

All parties to this application have now agreed that a conditional stay of execution of the decree dated 22/12/2000 be granted pending the hearing and determination of the intended appeal. It is also agreed that the condition is that the applicant will within 30 days from to-day secure payment of Shs.7,000,000/= by issuance of a banker's bond in favour of the respondent. The stay of execution sought therefore is granted on the condition above-stated. If the applicant does not issue such a bond this application will stand dismissed without any further order. The costs of this application will be costs in the intended appeal.

Dated and delivered at Nairobi this 17th day of August, 2001.

R.O. KWACH

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JUDGE OF APPEAL

A.B. SHAH

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JUDGE OF APPEAL

E.O. O'KUBASU

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR.