

IN THE COURT OF APPEAL

AT NAIROBI

CORAM: OMOLO, SHAH & O'KUBASU JJ.A

CIVIL APPLICATION NO. NAI. 120 OF 2001 (UR.68/2001)

BETWEEN

JARED IQBAL ABDUL BAHMAN.....1ST APPLICANT

ADILA ALIBASHIR2ND APPLICANT

AND

BERNARD ALFRED WEKESA SAMBU1ST RESPONDENT

JOHN MUREITHI KARIUKI2ND RESPONDENT

**(An application for stay of execution pending an appeal
from the Judgment and decree of the High Court of
Kenya at Nairobi (Kasanga-Mulwa, J) dated 6th
October, 2000**

in

H.C.C.C. NO. 1059 OF 1995)

RULING OF THE COURT

Mr. Iseme for the first respondent has conceded that the appeal already lodged by the applicants, that is, Civil Appeal No. 11 of 2001 is an arguable one. We think Mr. Iseme is quite right in so conceding. The dispute is as regards land being L.R. NO. 209/9684 situate in Nairobi. The said Civil Appeal No. 11 of 2001 is already fixed for hearing before this Court on 21st November, 2001. In these circumstances we see no point in the execution of the decree in H.C.C.C. No. 1059 of 1995. We order that the execution of that decree be stayed pending the hearing and determination of Civil Appeal No. 11 of 2001. The costs of this application will be costs in the appeal.

Dated and delivered at Nairobi this 20th day of September, 2001.

R.S.C. OMOLO

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JUDGE OF APPEAL

A.B. SHAH

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JUDGE OF APPEAL

E. O. O'KUBASU

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR.