



**IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: LAKHA, BOSIRE & O'KUBASU, J.J.A.)
CIVIL APPLICATION NO. NAI. 405 OF 2001 (215/2002 UR)**

BETWEEN

KENYA BUS SERVICES LIMITEDAPPLICANT

AND

MUNA ISAACKRESPONDENT

(Application for stay of execution pending appeal from the
Judgment & Orders of the High Court of Kenya at Meru
(Justice Tuiyot) dated the 20th day of June, 2001

in

H.C.C.C. NO. 117 OF 1998)

RULING OF THE COURT:

This is an application for a stay under rule 5(2)(b) of the Rules of this Court. It is made by the unsuccessful defendant. The plaintiff was awarded about **1.2 million general damages** and **special damages**.

We are prepared to assume, without deciding, that the applicant has an arguable appeal. We are also satisfied that there is a genuine risk of the appeal being rendered nugatory. We prefer to accept the proposal of Mr. Kariuki for a conditional order. Accordingly we grant a stay conditional upon the applicant depositing half the decretal amount within 21 days and paying the balance to the plaintiff also within 21 days failing which this order of stay shall lapse.

The costs of this application shall be costs in the appeal.

Made at Nairobi this 6th day of December, 2001.

A.A. LAKHA

.....
JUDGE OF APPEAL

S.E.O. BOSIRE

.....
JUDGE OF APPEAL

E. O'KUBASU

.....
JUDGE OF APPEAL

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

DEPUTY REGISTRAR