

REPUBLIC OF KENYA
IN THE COURT OF APPEAL

AT KISUMU

CORAM: KWACH, AKIWUMI & O'KUBASU, J.J.A.

CIVIL APPLICATION NO. NAI 331 OF 1999 (UR 130/99)

BETWEEN

GEORGE OMONDI ODEKAPPLICANT
AND
JAGDISH KOTECHA
MIDLAND EMPORIUMRESPONDENTS

**(Application for stay of orders pending hearing and
determination of an intended appeal from the ruling
of the High Court of Kenya at Kisumu (Birech
C/Assize) dated 22nd October, 1999**

in

H.C.C.C. NO. 321 OF 1999)

RULING OF THE COURT

The present application for stay on the grounds, inter alia, that failure to grant it will render the intended appeal nugatory, is not supported at all by the supporting affidavit. Furthermore, the proceedings included in the record before us is so confusing that it is impossible to establish what order is the real subject of the present application. In the circumstances, we are constrained to dismiss the application with costs for the respondents assessed at 5,000/= to be paid within 7 days from today failing which, execution to issue.

Dated and delivered at Kisumu this 21st day of March, 2000.

R. O. KWACH

JUDGE OF APPEAL

A. M. AKIWUMI

JUDGE OF APPEAL

E. O. O'KUBASU

JUDGE OF APPEAL

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

DEPUTY REGISTRAR