

REPUBLIC OF KENYA

IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: AKIWUMI, TUNOI & O'KUBASU, JJ.A.)
CIVIL APPLICATION NO. NAI. 260 OF 2000 (UR.122/00)

BETWEEN

PAUL MURUNGA t/a
SPLINTER TOURS & TRAVELAPPLICANT
VERSUS
CAPT. J. N. WAFUBWA t/a
RED IMPEX GENERAL SERVICESRESPONDENT

(An application for stay of execution pending the hearing
and determination of an appeal filed from the
Judgment and Decree of the High Court of Kenya at
Nairobi (Justice Mboghohi Msagha) dated 24th March,
1999

in
H.C.C.C. NO. 1321 OF 1994)

RULING OF THE COURT

In our view, stay should be granted as prayed for on condition as accepted by the Respondent, that half of the amount of the decretal sum of 1,421,000 Kenya Shillings be deposited in an interest bearing account with Kenya Commercial Bank within 30 days from today in the joint names of the Advocate of the Applicant and of the Respondent himself. Failure to comply with this will render the stay herein granted vacated. Costs will be in the appeal.

Dated and delivered at Nairobi this 19th day of September, 2000.

A. M. AKIWUMI

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JUDGE OF APPEAL

P. K. TUNOI

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JUDGE OF APPEAL

E. O'KUBASU

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR.