

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
CORAM: (GICHERU, OMOLO & SHAH JJ.A)
CIVIL APPLICATION NO. NAI249 OF 2000 (117/2000 UR)
BETWEEN**

Hurlingham Hospital Management Ltd
Applicant
AND
1. Pankaj Gunvantrai
2. Sailesh Gunvantrai
3. Harshad Kumar Chandulal Sanghvi
4. Richard Muchai
T/A Richard Muchai Auctioneers
Respondents

**(Being an application for variation of conditions for
stay made on 8th August, 2000 and for an injunction
in form of a stay pending the hearing and
determination of an Appeal from a decision of the
Honourable Commissioner Ransley dated 19th July,
2000)**

**in
H.C.C.C. No.1113 of 2000)**

RULING OF THE COURT

The Commissioner of Assize, whose orders are proposed to be challenged on appeal granted an order of stay on certain terms. We think we should confirm these orders but with certain minor variations as follows:

1.The applicant shall, within 21 (twenty one) days of the date hereof pay to the respondent the sum of Shs.2,300,000/= pending the hearing and determination of the suit between them.

2.The applicant shall within the said 21 days pay to the respondents the rent for July and August 2000 and thereafter pay on its due date the rents for September and subsequent months.

3.The costs of this motion shall be to the respondents in any event.

Upon compliance with these orders the distrained goods to be released to the applicant.

Dated and delivered at Nairobi this 5th day of September, 2000.

J.E. GICHERU
.....
JUDGE OF APPEAL

R.S.C. OMOLO
.....
JUDGE OF APPEAL

A.B. SHAH
.....
JUDGE OF APPEAL

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