



REPUBLIC OF KENYA



**Odeyo v Otieno (Miscellaneous Civil Application E062 of 2025)
[2025] KEHC 11697 (KLR) (31 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11697 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
MISCELLANEOUS CIVIL APPLICATION E062 OF 2025**

WM MUSYOKA, J

JULY 31, 2025

BETWEEN

LEONARD ODEYO APPLICANT

AND

ALFRED OLUOCH OTIENO RESPONDENT

RULING

1. The application, dated 21st May 2025, seeks leave to appeal out of time, and stay pending appeal, upon leave being granted.
2. When the matter was first placed before me, on 22nd May 2025, I directed that the application be served, for inter parties hearing on 29th May 2025. At the hearing, on 29th May 2025, it was established that the application was served, but there was no response. I directed that the same be disposed of by way of written submissions. I have seen and read the written submissions filed by the applicant.
3. The application is not opposed, and as the same was brought without unreasonable delay, I shall allow it, as I hereby do. The applicant shall have leave, of 30 days, from date of delivery of this ruling, to file his appeal. I shall, at the same time, as I hereby do, grant an order to stay execution of the decree of 20th March 2025, on condition that Kshs. 250,000.00; being ½ of the judgement sum, is deposited in court, within 30 days. The leave shall lapse automatically after 30 days, if no appeal is filed, and the stay shall lapse automatically, should the deposit not be made.
4. This miscellaneous application file is now spent, and it shall, accordingly, be closed.

RULING DELIVERED, DATED AND SIGNED IN OPEN COURT AT BUSIA ON THIS 31ST DAY OF JULY 2025.

WM MUSYOKA

JUDGE



Mr. Arthur Etyang, Court Assistant.

Advocates

Ms. Nyangano, instructed by Omay & Company, Advocates for the applicant.

