



Mathenge v Chepng'eno alias Ivy Chepngeno (Civil Appeal 33 of 2023) [2024] KEHC 1545 (KLR) (22 February 2024) (Ruling)

Neutral citation: [2024] KEHC 1545 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
CIVIL APPEAL 33 OF 2023**

**M MUYA, J
FEBRUARY 22, 2024**

BETWEEN

CHARLES MWANGI MATHENGE APPELLANT

AND

IVIN CHEPNG'ENO ALIAS IVY CHEPNGENO RESPONDENT

RULING

1. The application dated 11th May 2023 and 5th June 2023 seeks the following orders:-
 - 1) That the court be pleased to order Stay of Execution of the Judgment and decree delivered on 17th April 2021, pending the hearing and determination of the appeal.
2. On 17th April 2023, Hon. Angima- SRM in Nyeri CMCC E293 of 2021 Ivy Chepng'eno alias Ivy Chepngeno v Charles Mwangi Mathenge awarded the Plaintiff general damages of Kshs. 800,000/=, and special damage of Kshs. 4,550/=. This is the decision subject of the appeal.
3. This is a money decree. Though it has not been shown that the Respondent is so impecunious as not to be able to refund the sum payable to her if a Stay is not granted, I will, in fairness to both parties order for Stay of Execution of the decree in the present suit but on the condition that the Applicant deposits in court the whole of the decretal sum within 30 days from today. In default execution to issue.

RULING READ AND DELIVERED IN OPEN COURT THIS 22ND DAY OF FEBRUARY 2024.

In the presence of:-

Ms. Miriti for Respondent.

Maina Njage for Applicant.

Court assistant: Andrew.

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JUSTICE MARTIN MUYA
JUDGE OF THE HIGH COURT

