



**Makena v Nalwa (Civil Appeal E127 of 2024) [2024] KEHC 7720 (KLR) (28 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7720 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CIVIL APPEAL E127 OF 2024**

**RE ABURILI, J**

**JUNE 28, 2024**

**BETWEEN**

**FAITH MAKENA ..... APPELLANT**

**AND**

**WAFULA NALWA ..... RESPONDENT**

*(An appeal from the Ruling and order of the Hon. E. A. Obina PM in Kisumu  
Chief Magistrate's Court CMCC No. E230 of 2023 delivered on 24th May 2024)*

**RULING**

1. I have heard the Appellant's counsel Mr. Gichaba, Exparte on the Certificate of Urgency dated 25<sup>th</sup> June 2024 which was certified urgent on 27<sup>th</sup> June 2024.
2. I have perused the prayers sought and the grounds, together with the supporting affidavit and annexures thereto.
3. I am satisfied that the applicant has made out a case for an interim order staying the proceedings in Kisumu Cmcc No. E230 of 2023.
4. I grant prayer No. (b) of the Notice of Motion dated 25<sup>th</sup> June 2024. I direct the Applicant to serve the Respondent with the application and this order, forthwith.
5. I further direct that upon service of the order and application upon the Respondent, he is granted 10 days of date of service to file and serve a Replying affidavit.
6. The Applicant will have 10 days of date of service to file and serve a further affidavit if need be, together with brief written submissions.
7. The Respondent will then have 10 days of date of service to file and serve a Supplementary affidavit together with written submissions.



8. As the court is proceeding on annual leave, mention on 23<sup>rd</sup> September 2024 to fix a Ruling date.
9. This Ruling/Directions to be typed and uploaded in the CTS forthwith.
10. The lower court to be served with this order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 28TH DAY OF JUNE, 2024**

**R. E. ABURILI**

**JUDGE**

