



**Chute v Issu (Environment and Land Appeal 7 of 2023)
[2023] KEELC 18250 (KLR) (19 June 2023) (Ruling)**

Neutral citation: [2023] KEELC 18250 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ISILOLO
ENVIRONMENT AND LAND APPEAL 7 OF 2023
PM NJOROGE, J
JUNE 19, 2023**

BETWEEN

NASIR SAID CHUTE APPELLANT

AND

JAMAL BIDHU ISSU RESPONDENT

RULING

1. This application is dated April 11, 2023 and seeks orders;
 - a. That this matter be certified urgent and heard *ex parte* in the first instance.
 - b. That the appellant be granted leave to lodge an appeal against the judgement delivered by Principal Magistrates Court at Marsabit delivered by Honourable Christine Wekesa (mrs) Principal Magistrate on the January 17, 2023 out of time.
 - c. That upon being granted prayer number (b) herein, the already filed memorandum of appeal be deemed as properly on record.
 - d. That this Honourable Court be pleased to issue an order for stay of execution of the judgement entered and delivered herein against the applicant on Ruling and Order of the Principal Magistrate on the January 17, 2023 pending the hearing and determination of the intended appeal.
 - e. That any other reasonable order the court may issue to avoid the defeat of the ends of justice.
 - f. That costs of this application be provided for.
2. The application is predicated upon the grounds on its face and the applicant's supporting affidavit sworn on April 11, 2023.



3. Today Miss Nyasani holding brief for John Behaile for the respondent asked the court to allow the application but asked the court to give the applicant a limited time within which he should file his appeal.
4. In the circumstances, this application is allowed. The applicant is granted 30 days to file and serve all his appeal documents.
5. Costs will be in the cause.
6. The matter will be mentioned for directions on 2/10/2023.

DELIVERED IN OPEN COURT AT ISIOLO THIS 19TH DAY OF JUNE, 2023 IN THE PRESENCE OF;

Court Assistant: Balozi/Rahma

M/S Nyasani holding brief for Buhaile for the Respondent.

HON. JUSTICE PM NJOROGE

JUDGE

