



REPUBLIC OF KENYA



KENYA LAW
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Baraka v Shogobe (Secretary t/a Muslim Mosque Committee) (Environment and Land Appeal E004 of 2025) [2025] KEELC 1207 (KLR) (13 March 2025) (Ruling)

Neutral citation: [2025] KEELC 1207 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT VIHIGA
ENVIRONMENT AND LAND APPEAL E004 OF 2025**

E ASATI, J

MARCH 13, 2025

BETWEEN

IDD BARAKA APPELLANT

AND

**ZUBEIR SHOGOBE (SECRETARY T/A MUSLIM MOSQUE
COMMITTEE) RESPONDENT**

RULING

1. I have considered the oral submissions in respect of the application dated 17/2/2025. Counsel for the applicant submits that an order of interim stay of execution of the orders of the lower court be granted awaiting delivery of the judgement in Vihiga ELC Case No E001 of 2023 which is expected to be delivered on 15/5/2025. That the said judgement will determine whether or not the lower court suit shall continue or be withdrawn.
2. Counsel for the Respondent on the other hand submitted that the orders granted in the lower court case No Vihiga MCELC NO. 212 OF 2024 will not affect the anticipated judgement as the said orders were temporary and related to rent. That the application could be deferred to a date after the judgement.
3. There is no doubt that the case before the trial court concerns the subject matter in Vihiga ELC Case No E001 of 2023 pending judgement before this court on 15/5/2025.
4. For the interest of justice and to avoid conflicting judicial decisions over the same subject matter, the proceedings in and execution of the orders of the trial court dated 22nd January 2025 in Vihiga MCELC Case No 212 OF 2024 are hereby stayed pending delivery of the judgement in Vihiga ELC Case No E001 OF 2023.
5. This matter will be mentioned on 15/5/2025 after delivery of the judgement in Vihiga ELC Case No E001 of 2023 for directions.



Orders accordingly.

RULING, DATED AND SIGNED AT VIHIGA AND READ VIRTUALLY THIS 13TH DAY OF MARCH, 2025 THROUGH MICROSOFT TEAMS ONLINE APPLICATION.

E. ASATI, JUDGE.

In the presence of:

Ajevi - Court Assistant.

Kundu for the Appellant/Applicant. No appearance for the Respondent.

