



**Kirobon Farmers v Nyarangi (Environment & Land Case 29 of 2017)  
[2023] KEELC 21975 (KLR) (30 November 2023) (Ruling)**

Neutral citation: [2023] KEELC 21975 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAKURU  
ENVIRONMENT & LAND CASE 29 OF 2017  
FM NJOROGE, J  
NOVEMBER 30, 2023**

**BETWEEN**

**KIROBON FARMERS ..... PLAINTIFF**

**AND**

**SAMUEL O. NYARANGI ..... DEFENDANT**

**RULING**

1. This is a ruling on an Application dated May 19, 2023 filed by the defendant which seeks that the court do issue warrants/orders to Tango Auctioneers and General merchants to execute the decree herein dated April 19, 2023 and for the police to provide security for the exercise. The application is supported by two affidavits sworn by the defendant/decree-holder.
2. The application is opposed by the respondent through the Replying Affidavit of David K A Metet sworn on June 7, 2023.
3. This is a matter that was concluded some time back but for one reason or another the parties have been in court on one application or another and the decree has not been executed.
4. I have perused the application and the Replying Affidavit as well as the Submissions of the respondent and I really find no defence to the application; there is a decree that has not been executed and the defendant deserves the fruits of his judgment. The statement of the plaintiff that the auctioneers have not been served is neither here nor there as it is only the applicant who should be concerned with whether they have agreed to execute the decree or not.
5. In the circumstances I find no ground on which the application can be denied. Unless there is a lawful order issued by the appellate court staying the execution, which this court has not been shown to be the case, the orders in the application filed by the defendant are deserved. The upshot of the foregoing is that the application dated May 19, 2023 succeeds and it is hereby granted in terms of prayer nos 2, 3, and 4 thereof.



**DATED, SIGNED AND DELIVERED AT MALINDI VIA ELECTRONIC MAIL ON THIS 30<sup>TH</sup>  
DAY OF NOVEMBER, 2023.**

**MWANGI NJOROGE**

**JUDGE, ELC, MALINDI**

