



Karuga v Embakasi Ranching Company Limited & 2 others (Environment & Land Case 74 of 2017) [2022] KEELC 3267 (KLR) (31 May 2022) (Ruling)

Neutral citation: [2022] KEELC 3267 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT & LAND CASE 74 OF 2017
MN GICHERU, J
MAY 31, 2022**

BETWEEN

MWAURA KARUGA PLAINTIFF

AND

EMBAKASI RANCHING COMPANY LIMITED 1ST DEFENDANT

LAND REGISTRAR 2ND DEFENDANT

ATTORNEY GENERAL 3RD DEFENDANT

RULING

1. The counsel for the decree holder/applicant filed a statement of account dated March 6, 2020 which he wishes this Court to approve.

Attached to the statement of account is a notification of sale issued under Order 22, Rule 68 of the Civil Procedure Rules.

2. When the Application came up for hearing on 7/3/2022, Mr. Kerongo for the decree holder urged that it is this Court, and not the Deputy Registrar with jurisdiction to deal with an application such as this.
3. Order 49 Rule 5 of the Civil Procedure Rules provides as follows;

“Formal orders for attachment and sale of property and for issue of notices to show cause on applications for arrest and imprisonment in execution of a decree of the High Court may be made by the registrar or, in a Subordinate Court, by an executive officer generally or specially thereunto empowered by the Chief Justice by writing under his hand, but in the event of any objection being taken to the proceedings thereunder, all further proceedings shall be before a judge.”

4. Again, under Order 49 Rule 7 (b) (x) it is provided as follows;



- I. The Registrar may –
 - b. hear and determine an application made under the following orders and rules-
 - (x) Order 22 other than under Rules 28, and 75.
- 5) From the above provisions of law, it is clear that the application dated March 6, 2020 should be dealt with by the Deputy Registrar because it is not objected to.

I so direct.

DATED SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 31ST DAY OF MAY, 2022.

M.N. GICHERU

JUDGE

