



**Laaru v Laaru (Environment and Land Appeal 32 of 2019)
[2022] KEELC 3627 (KLR) (11 May 2022) (Ruling)**

Neutral citation: [2022] KEELC 3627 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MERU
ENVIRONMENT AND LAND APPEAL 32 OF 2019**

CK NZILI, J

MAY 11, 2022

BETWEEN

JULIUS KAILIKIA LAARU APPELLANT

AND

PETER KAIGERA LAARU RESPONDENT

RULING

1. By an application dated July 2, 2020 the court is asked to authorize and or empower the Deputy Registrar to sign and execute all the necessary subdivision and transfer documents in favour of the respondent in execution of the decree herein. The application is supported by a sworn affidavit by Julius Kailikia Laaru on the even date. The grounds given are that the court decreed to the applicant ten acres and ordered that the respondent do effect the transfers but he has totally refused to implement the decree since 2016. Therefore for the end of justice to be met the applicant urges the court to allow the application since there exists no stay of execution of the decree since 2016.
2. The application was opposed through a replying affidavit sworn on July 21, 2020 by Peter Kaigera Laaru on the grounds that there was a pending appeal and hence it would only be fair and just if the appeal was heard and determined before the decree is enforced, otherwise the appeal would be rendered nugatory.
3. Further the respondent averred that there was need to preserve the property and urged the court to disallow the application.
4. The court record shows that following this application the respondent filed a notice of motion dated July 19, 2020 seeking for leave to prefer an appeal out of time.
5. By a further replying affidavit sworn on October 7, 2020 the respondent deposed that the application seeking leave to appeal out of time had gone missing hence leading to the filing of another application which he now wished to bring to the attention of the court.



6. On November 10, 2021 the respondent by consent of parties was allowed to file an appeal out of time within 7 days from that date.
7. As at the writing of this ruling the said notice of appeal has not been brought to the attention of the court. Similarly the respondent has not brought before this court any stay order against the decree herein. Consequently, I am inclined to allow the application with costs to the applicant.

Orders accordingly.

DATED, SIGNED AND DELIVERED VIA MICROSOFT TEAMS/OPEN COURT

THIS 11TH DAY OF MAY, 2022

In presence of:

Applicant

HON C K NZILI

ELC JUDGE

