



**Kamanda v Karuga & 2 others (Land Case E026 of 2024)
[2025] KEELC 3158 (KLR) (7 April 2025) (Ruling)**

Neutral citation: [2025] KEELC 3158 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MURANGA
LAND CASE E026 OF 2024
MN GICHERU, J
APRIL 7, 2025**

BETWEEN

ARTHUR HUNJA KAMANDA APPELLANT

AND

SAMSON MAINA KARUGA 1ST RESPONDENT

THE COUNTY GOVERNMENT OF MURANG'A 2ND RESPONDENT

THE LAND REGISTRAR OF MURANG'A 3RD RESPONDENT

RULING

1. This ruling is on the notice of motion dated 11-11-2024. The motion which is by the Appellant, is brought under Sections 1A, 1B and 3A of the [Civil Procedure Act](#), and all enabling provisions of the law. It seeks the following residual orders.
 3. That pending the hearing and determination of this appeal, the hearing and proceedings in Murang'a CMELC E078 of 2021 be stayed.
 4. That the costs of this application be provided for.
2. The motion is based on seven (7) grounds, and it is supported by an affidavit sworn by the Appellant Arthur Hunja Kamanda dated 11-11-2024 which has four (4) annexures. The gist of the grounds and the deposition is as follows. Firstly, the Appellant was joined in the Chief Magistrates suit No. CMELC E078 of 2021 as a Defendant vide an order made in a ruling dated 29-5-2024 and he was dissatisfied with the joinder. Secondly, if this appeal is allowed, the Appellant will no longer be a party in the lower court case. The lower court suit should not be allowed to proceed as long as this appeal is pending. Thirdly, the delay in filing this appeal was occasioned by the unavailability of the court proceedings and the order appealed against which the Appellant needed for the preparation of the record of appeal.



3. When this matter came up for directions on 5-2-2025 the 1st Respondents Counsel asked for 7 days to file and serve a replying affidavit. I have not seen any replying affidavit to date.
4. I have carefully considered the motion especially the grounds, the supporting affidavit and the annexures thereto. I find that the motion has merit and should be allowed because it does not make sense to proceed with the lower court case when the outcome of this appeal is unknown. If the lower court case proceeds and his appeal is eventually allowed, the hearing of the lower case will have been in vain. It would also have occasioned the parties unnecessary work and costs which should be avoided. Finally, precious judicial time and resources will have been wasted.

For the above stated reasons, I allowed the notice of motion dated November 11, 2024 in terms of prayer 3. Costs in the cause.

It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY AT MURANG'A THIS 7TH DAY OF APRIL, 2025.

M.N. GICHERU

JUDGE.

Delivered online in the presence of; -

Court Assistant – Mwangi Njonjo

Appellant's Counsel – Mr Ndonga holding brief

Interested Party's Counsel – Mr. Kirubi

1st Respondent's Counsel – Mr. Makira

