



Rural Housing Estates Ltd v Ghani; Sisiwa (Third party) (Administrator of the Estate of Ahmed Malakwen Arap Sisiwa) (Environment and Land Case Civil Suit 237 of 2012) [2022] KEELC 2470 (KLR) (14 July 2022) (Ruling)

Neutral citation: [2022] KEELC 2470 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ELDORET
ENVIRONMENT AND LAND CASE CIVIL SUIT 237 OF 2012**

EO OBAGA, J

JULY 14, 2022

BETWEEN

RURAL HOUSING ESTATES LTD PLAINTIFF

AND

MOHAMMED IFTEKHAR GHANI DEFENDANT

AND

**MUSA KIPKEMBOI KITUR THIRD PARTY
ADMINISTRATOR OF THE ESTATE OF AHMED MALAKWEN ARAP SISIWA**

RULING

1. This is a ruling in respect of a Notice of motion dated 1st July, 2021 in which the Plaintiff/Applicant seeks stay of execution pending appeal. The Defendant/Respondent had sued the Respondents in which the Respondent sought an order of eviction against the Applicant from LR No. Eldoret Municipality Block 15/2309 as well as general damages for trespass and costs.
2. The Respondent filed a defence and raised a counter-claim in which he sought cancellation of the title held by the Applicant. In a judgment delivered on 16th June, 2021, the Applicant's suit was dismissed and the Respondent's counter-claim was allowed.
3. The Applicant was granted 30 days stay of execution which lapsed. The Respondent moved fast and executed the decree after the lapse of the 30 days stay of execution. The title in favour of the Applicant was cancelled on 24th August, 2021 in accordance with the judgment of the court. This being the case, I find that the application has been overtaken by events and the court will not give orders in vain. The Applicant's application is therefore dismissed with costs to the Respondent.

It is so ordered.



DATED, SIGNED AND DELIVERED AT ELDORET ON THIS 14TH DAY OF JULY, 2022.

E. OBAGA

JUDGE

In the virtual presence of;

Ms. Ketta for Applicant.

Court Assistant –Albert

E. OBAGA

JUDGE

14TH JULY, 2022

