

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISII

MISC. CIVIL APPL. NO.39 OF 2005

NASHON OINGA ODWERA APPLICANT

VERSUS

GEORGE NDIEGE OKORE RESPONDENT

RULING

The applicant seeks for stay of execution of judgment of Migori Land Dispute Tribunal Case No.4 of 2004 pending of hearing this application ex parte.

He also prays for temporary injunction against the respondent restraining him, his agents or servants from occupation of Land No. SUNA EAST/WASWETA/1/302 pending the hearing of this application inter partes.

I have considered the application and find it has no merit. Indeed the applicant states in submission that there is an appeal against the decision of the Tribunal pending at Kisumu before the Provincial Land Dispute Tribunal. However both prayers 2 & 3 seeks for Orders only for the life span of the application. He does not seek to have the stay and an injunction pending the determination of the appeal. Even if I grant the orders sought they will stand spent immediately I finish pronouncing them as he seeks the orders pending the hearing of the application inter parties. The court has already heard the application inter parties and today's ruling disposes off the application.

There is therefore no point of issuing orders which will serve no purpose.

The application is therefore dismissed.

Dated 24th May 2005
KABURU BAUNI
JUDGE

cc. Mobisa
N/A for Applicant.
Respondent present.
KABURU BAUNI
JUDGE