



**Muraba & 3 others v Gikua (Environment and Land Appeal
E034 of 2024) [2025] KEELC 471 (KLR) (6 February 2025) (Ruling)**

Neutral citation: [2025] KEELC 471 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT AND LAND APPEAL E034 OF 2024
LC KOMINGOI, J
FEBRUARY 6, 2025**

BETWEEN

**PAUL KIMANI MURABA 1ST APPELLANT
PAUL KIMANI MURABA (LEGAL REPRESENTATIVE OF THE ESTATE OF
SAMUEL MURABA KIMANI) 2ND APPELLANT
JOSEPH NJAU MURABA (LEGAL REPRESENTATIVE OF THE ESTATE OF
SAMUEL MURABA KIMANIO 3RD APPELLANT
DAVID NDUNG’U MURABA 4TH APPELLANT**

AND

MARY WAIRIMU GIKUA RESPONDENT

*(Being an appeal from the Judgement and Decree of the Chief Magistrates Court at
Kajiado by Honourable Roseline A. Oganyo CM delivered on the 6th September,
2024 in ELC 91 of 2019 Mary Wairimu Gikua Vs. Paul Kimani Muraba & 2 Others)*

RULING

1. This is the Notice of Motion dated 12th September 2024, brought under; Sections 3 and 3A of the [Civil Procedure Act](#) and under Order 51 Rule 1 of the [Civil Procedure Rules 2010](#).
2. It seeks orders;
 1. Spent.
 2. Spent.
3. This Honourable Court be pleased to extend time within which the Appellants/Applicants are to comply with the Judgement and Decree herein.



4. That the Appellants/Applicants be granted time up to 31st December, 2024 to comply with the Judgement and Decree herein.
3. The grounds are on the face of the Application and are set out in paragraphs a to f.
4. The Notice of Motion is supported by the affidavit of Paul Kimani Muraba, the 1st Appellant/Applicant sworn on the 12th September 2024.
5. The Notice of Motion is opposed. There is a Replying Affidavit sworn by Mary Wairimu Gikua, the Respondent herein, sworn on the 9th October 2024 and a further affidavit sworn on the 8th November 2024.
6. On the 15th October 2024, the court directed that the Notice of Motion be canvassed by written submissions.
7. I have considered the Notice of Motion, the affidavit in support, the response thereto, the written submissions and the authorities cited. The issue for determination is whether this application is merited.
8. In his supporting Affidavit sworn on the 12th September, the 1st Appellant/Applicant depones in paragraph 12;

“That I therefore humbly beseech the court to grant us time up to 31st December, 2024 to enable us find alternative accommodation, find alternative schools for the children and comply with the Judgement herein”.
9. The Respondent in her further Affidavit depones that the Appellants have voluntarily vacated the suit property and she has taken possession of the suit property and stationed two guards over the suit property.
10. The above averments have not been rebutted by the 1st Appellant/Applicant.
11. I agree with the Respondent’s averments that this Notice of Motion and the Appeal have been overtaken by events after the Appellants/Applicants voluntarily vacated the suit property. The annexures to the Respondent’s further Affidavit confirm that the premises are vacant.
12. In conclusion, I find no merit in the Application and the same is dismissed. At the Appellants vacated voluntarily. I order each party to bear own costs.

DATED, SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 6TH DAY OF FEBRUARY 2025.

L. KOMINGOI

JUDGE.

In The Presence Of:

Mr. E. Oduor for the Appellants/Applicants.

Mr. Obok for the Respondent.

Court Assistant – Mutisya.

