



Kiptoo & another v Kiptoo (Environment and Land Miscellaneous Case E022 of 2025) [2025] KEELC 6134 (KLR) (16 September 2025) (Ruling)

Neutral citation: [2025] KEELC 6134 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET
ENVIRONMENT AND LAND MISCELLANEOUS CASE E022 OF 2025
GMA ONGONDO, J
SEPTEMBER 16, 2025**

BETWEEN

ISAAC AMATHIMBI KIPTOO 1ST APPLICANT

WILSON GACHEMI SHIKANA 2ND APPLICANT

AND

SAMWEL RONGOS KIPTOO RESPONDENT

RULING

1. By a Notice of Motion application dated 16th June 2025 the two applicants through Cheronno Chepkosgey and Company Advocates, are seeking the orders including stay of execution of the trial court's judgment delivered on 18th January 2024, the decree as well as consequential orders and leave to appeal out of time from the said determination.
2. It is noted that on 18th June 2025, the court directed and ordered, inter alia;

‘.....The applicant to deposit security of Ksh 50, 000/=with the court within 7 days from hereof otherwise the orders shall lapse.....’
3. The application is set for inter-partes hearing. Nevertheless, Ms Koech learned counsel for the applicant has informed the court that the application was served, the matter almost overtaken by events as execution process was undertaken, the conditions stated in paragraph 2 hereinabove have not been met and implored the court to mark the case as closed.
4. Having heard counsel for the applicant, I take into account Order 50 of the *Civil Procedure Rules* 2010 on time. It is crystal clear that the orders as stated in paragraph 2 hereinabove, lapsed and terminated the application.



5. It is trite law that upon lapse of stay orders, no further orders of the court would be necessary; see *Butt v Rent Restriction Tribunal* (1979) KECA 22 (KLR)
6. So, this matter cannot be prolonged as Article 159 (2) (b) of the *Constitution* of Kenya 2010 reads; justice shall not be delayed
7. Accordingly, the application is hereby dismissed.
8. Given there is no evidence of service of the application and the obtaining circumstances herein, I make no orders as to costs.
9. It is so ordered.

DATED AND DELIVERED VIRTUALLY THIS 16TH DAY OF SEPTEMBER 2025

G M A ONGONDO

JUDGE

Present

Ms Koech learned counsel for the applicants

Walter, court assistant

