



**Kipyasang v Chepkonga & 2 others (Environment & Land Case
273 of 2017) [2023] KEELC 20602 (KLR) (12 October 2023) (Ruling)**

Neutral citation: [2023] KEELC 20602 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ELDORET
ENVIRONMENT & LAND CASE 273 OF 2017
EO OBAGA, J
OCTOBER 12, 2023**

BETWEEN

KITE ARAP KIPYESANG PLAINTIFF

AND

REHEMA JEMAIYO CHEPKONGA 1ST DEFENDANT

WILLIAM KITE 2ND DEFENDANT

**RICHARD KIPROTICH KIBET (FOR AND ON BEHALF OF THE ESTATE OF
JOHN KIBET KIPYASANG) 3RD DEFENDANT**

RULING

1. This is a ruling in respect of two separate applications both brought by the Decree Holder/Applicant. The first application is dated 9/6/2023. It seeks removal of a caution which was lodged against title for Irong/Iten/3625. The second application is dated 20/6/2023. It seeks provision of security during the execution of a decree arising from a judgement delivered on 9/3/2023.
2. The two applications are basically seeking orders which will pave way for execution arising from this court's judgement delivered on 9/3/2023. In its judgement, the court ordered eviction of the Judgement Debtors/Respondents.
3. I have perused the affidavits in support of the two applications as well as the replying affidavits in position of the two applications. I have also considered the submissions by the parties herein. There is no contention that the respondents have preferred an appeal against the judgement to the Court of Appeal.
4. I have perused the further affidavit sworn on 21/9/2023 by the respondents. The respondents have filed an application for stay of execution before the Court of Appeal. The application before the Court of Appeal was certified urgent and directions on its disposal were given. This being the case, it will



not be in order to allow the applications before the Court of Appeal renders its ruling on the pending application. I will for this reason dismiss the two applications with no order as to costs. The applicant will be at liberty to pursue execution in case the application for stay is denied by the Court of Appeal.

It is so ordered.

DATED, SIGNED AND DELIVERED AT ELDORET ON THIS 12TH DAY OF OCTOBER, 2023.

E. O. OBAGA

JUDGE

In the virtual presence of;

Ms. Lagat for Applicant.

Court Assistant –Brian

E. O. OBAGA

JUDGE

12TH OCTOBER, 2023

