

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO. 260 OF 2016

FATUMA MOHAMUD MOHAMMED MIRE..... PLAINTIFF

VERSUS

JAPHET NTEERE MWENDWA.....DEFENDANT

RULING

1. Through an application dated 28.1.2022 the court is requested to review the orders issued on 24.11.2021.
2. On 27.9.2021 the applicant was ordered to deposit Kshs. 800,000/= as a condition for grant of stay orders pending hearing interpartes of the application dated 30.7.2021.
3. By a deposit Ref. No. TT21243JFF6X Kshs. 800,000/= was made but the courts account system reflected the amount as made by Japhet Nteere Mwendwa now deceased.
4. The court on 24.11.2021 dismissed the application for stay of execution and ordered the money deposited to be released to the depositor upon verification.
5. Counsel for applicant has sworn an affidavit on 28.2.2022 explaining the predicaments.
6. The respondents are not opposed to the application. Consequently the court reviews the order issued on 24.11.2021 to the extent that the Kshs. 800,000/= be released to the firm of M/s Mwirigi Kaburu & Co. Advocates for onward transaction to the depositor Rose Naitore Mwendwa since she is not reflected in our system upon an execution by the said firm executing a discharge of liability to that effect.
7. Orders accordingly.

DATED, SIGNED AND DELIVERED VIA MICROSOFT TEAMS AT MERU THIS 2ND DAY OF FEBRUARY, 2022

In presence of:

Mwirigi for applicant

Gichuki – absent

Court Assistant – Kananu

HON. C.K. NZILI

ELC JUDGE