



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT MERU

MISC APPLICATION NO. 45 OF 2019

KENYA COUNTY GOVERNMENTS WORKERS UNION

(FORMERLY KENYA LOCAL GOVERNMENTS WORKERS UNION)

MERU BRANCH THROUGH

JOSEPH KITHELA - CHAIRMAN

SAMUEL KAMUNDI- SECRETARY

LAWRENCE MANYARA - OFFICIAL

ASENATH KAIMURI NYAMU.....PLAINTIFFS

VERSUS

MORRIS MUTETHIA.....1ST DEFENDANT

DOUGLAS KAIMENYI.....2ND DEFENDANT

RULING

1. The application dated 19.8.2019 is pending. The applicant prays for a stay of proceedings in Meru CMCC No. 119 of 2014 pending the hearing of the application of 19.8.2019 where they also seek the transfer of the Meru CMCC case to this court on account of jurisdiction.
2. It was argued for the applicant that the matter is pending judgment before Honourable Maroro, that unless a stay is granted, this will be an exercise in futility and that no prejudice will be occasioned to the applicant.
3. The prayer for stay has been opposed. It is averred that applicant has tried all manner of tricks to delay the case before the lower court where the matter has a date for judgment on 19.11.2019. It is also averred that applicants had sought for a stay of proceedings before the lower court of which they did not get the orders.
4. I have weighed the issues so far raised before me. The parties are in agreement that the lower court matter is pending judgment. The lower court matter was filed in 2014. At what point in the lifespan of that suit did the applicants realize that the magistrates court did not have jurisdiction?. When the applicants realized that the magistrate's court had no jurisdiction to hear the case, did they request the court to down its tools?, and if such a prayer was made but denied, did they seek for a review or appeal of such an order?. These are questions which beg for an answer.
5. A court of law should not interrupt the delivery of a judgment of another court unless in very extra ordinary circumstances.
6. I decline to grant a stay of the proceedings and the judgment before the lower court at this stage.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 2ND DAY OF OCTOBER, 2019 IN THE PRESENCE OF:-

C/A: Kananu

Kiogora holding brief for Kiome for applicant

Muriuki K. for respondents

1st respondent

HON. LUCY. N. MBUGUA

ELC JUDGE