



Kangangi v Kiriungi & 5 others (Environment and Land Miscellaneous Application E004 of 2024) [2025] KEELC 4065 (KLR) (20 May 2025) (Ruling)

Neutral citation: [2025] KEELC 4065 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT CHUKA
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E004 OF 2024**

BM EBOSO, J

MAY 20, 2025

BETWEEN

TERESIAH EUSTACE KANGANGI APPLICANT

AND

ANDERSON MWIATHI KIRIUNGI 1ST RESPONDENT

PETER MUTWIRI KIRIUNGI 2ND RESPONDENT

PETER MWENDA KIRIUNGI 3RD RESPONDENT

JULIET GAKII KIRIUNGI 4TH RESPONDENT

JOSEPH KIRIMI KIRIUNGI 5TH RESPONDENT

LEAH MUTHONI KIRIUNGI 6TH RESPONDENT

RULING

1. This miscellaneous application was initiated through a notice of motion dated 19/3/2024. The notice of motion was not clear on the reliefs sought. It was drawn by Teresiah Wanjiku Kangangi acting in person.
2. The notice of motion dated 19/3/2024 was disposed through a ruling rendered on 30/10/2024 by Yano J. The disposal order issued by Yano J reads as follows:

“ 37. Accordingly, I allow the Applicant’s application dated 19th March 2024 and order that the intended appeal be filed and served within 14 days from the date of this ruling.

38. Costs of the application to abide the outcome of the intended appeal.”



3. The court has perused the application dated 19/3/2024 and the ruling dated 30/10/2024. The application did not contain a prayer for stay of execution of the decree of the lower court. Similarly, the ruling dated 30/10/2024 did not contain an order staying execution of the decree of the lower court. Most important, this suit was fully disposed through the ruling dated 30/10/2024. The order contained in the said ruling stood spent on expiry of the 14 days within which the applicants were to file their intended appeal.
4. Consequently, there is nothing to vacate in the ruling/order dated 30/10/2024. Put differently, the relief sought in the application dated 12/2/2025 is not available on the platform of Miscellaneous Application No E004 of 2024.
5. The result is that the application dated 12/2/2025 is struck out on the above ground. Taking into account the circumstances of the application, there shall be no award of costs.
6. Lastly, this being a finalized/closed file, it shall go back to the Registry without a date for the next activity.

DATED, SIGNED AND DELIVERED VIRTUALLY AT CHUKA THIS 20TH DAY OF MAY, 2025.

B M EBOSO [MR]

JUDGE

In the Presence of:

Mr. Wakoko for the Applicants

Ms. Musili for the Respondent

Court Assistant – Mr. Mwangi

