



**Kenya Wildlife Service v M'ndiene (Civil Appeal E158 of 2024)  
[2025] KEHC 12901 (KLR) (4 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12901 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
CIVIL APPEAL E158 OF 2024  
HM NYAGA, J  
SEPTEMBER 4, 2025**

**BETWEEN**

**KENYA WILDLIFE SERVICE ..... APPELLANT**

**AND**

**STEPHEN MUCHUI M'NDIENE ..... RESPONDENT**

**RULING**

1. On 13/2/2025, I delivered Judgment in respect to tis appeal and other files that had been consolidated with it. I gave the following directions: -
  - a. For those suits pending determination of the preliminary objections, the same will be determined by the respective trial courts guided by the findings herein.
  - b. For those matters that are concluded, the same shall be mentioned separately before this court for further directions.
  - c. In each case above the appellant shall in each file provide the following:-
    - i. Information and details of any claim lodged by each Respondent in the committee.
    - ii. The status of each of such claims before the committee.
  - d. For the avoidance of any doubt, there shall be a stay of all the hearing of the proceedings save for the determination of the preliminary objection in each file affected
2. From the Above, the appellant had 30 days to provide the details of each affected file, so as to confirm whether or not each case had been duly submitted to the County Wildlife Conservation and Compensation Committee (CWCCC) prior to the suit being filed before the various subordinate courts, from where the appeals arose. It goes without saying that the burden was placed on the appellant to provide such details that left no doubt that such claims had been lodged before the CWCCC.



3. The appellant filed several lists of cases. Some of which do not comply with the directions that I gave in that no particulars of the claims alleged to be before the CWCCC were given. As such it is difficult to tell which files in the lists are affected by the orders of the court.
4. It must be pointed out that the orders issued in HCCA E158/2024 were not a blanket order against all matters affecting the Kenya Wildlife Service (KWS). The orders only affected the files that were in the list uploaded by KWS on 16<sup>th</sup> December, 2024 and for which a ruling was delivered.
5. It is thus not in order for the appellant to lump other files into this list. Doing so is in my view, contrary to the orders that were issued against specific files.
6. Since the lists provided are quite incoherent, it is difficult to ascertain which files in the lower court are affected. It is not for this court to start poring over the list to ascertain this. It is the duty of the appellant in all the affected files to provide details that are easy to discern, for the court and the affected parties.
7. I think that there is a deliberate attempt by the appellant to confuse the court by introducing files that are not the subject of the appeal herein.
8. To clarify the matter the following directions will issue:-
  - a. All matters not in the list of 159 files are not affected by the orders herein. The parties may proceed to pursue their claims at whatever stage they have reached.
  - b. The appellant has the liberty to seek appropriate orders for the other files not in the list referred to above.
  - c. For the 159 files affected by the ruling of the court, the appellant shall file a coherent list that specifies:-
    - i. Name of claimant in each case.
    - ii. The suit in the lower court.
    - iii. The corresponding appeal before this court
    - iv. The details of the claim before the CWCCC including the several numbers and all the attached documents.
  - d. The list above should be served on all the affected parties within the next 30 days failing which to orders in place may be vacated.

**DATED, SIGNED AND DELIVERED AT MERU THIS 4<sup>TH</sup> DAY OF SEPTEMBER, 2025.**

**H. M. NYAGA,  
JUDGE.**

