



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT MERU**

**ELC APPEAL NO. 63OF 2019**

**ANDRIANO M’KIRICHIA ..... APPELLANT**

**VERSUS**

**SILAS RINGINE IMANENE ..... RESPONDENT**

**RULING**

1. Vide a Notice of Motion filed in court on 14/5/2019, the Applicant who was the defendant in Maua case No. CMCC 239 of 2014, is seeking a stay of the Judgment of the lower court which was delivered on 1/4/2019. The application is supported by the grounds in support of the application and in the affidavit of the applicant.
2. The application was opposed via the replying affidavit of the respondent filed in court on 25/6/2019.
3. On 9/7/2019 the court gave directions for the application to be argued by way of written submissions. I have not seen any submissions by the Applicant. Only the Respondent has filed submissions.
4. A case belongs to litigants who are duty bound to persuade the court to deliver a decision in their favour. In the instant case, the applicant was required to argue his application through submissions of which he failed to do so.
5. In the circumstances, I only have the submissions of the Respondent to consider.
6. In the circumstances the application dated 14.5.2019 is found to have no merits, the same is dismissed with costs to the Respondent.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 12<sup>TH</sup> FEBRUARY, 2020**

**IN THE PRESENCE OF:**

C.A Kananu

Kiogora holding brief for Gikunda for appellant – present

Materi for Respondent – present

Parties absent

**HON. LUCY. N. MBUGUA**

**ELC JUDGE**