

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

MISCELLANEOUS CASE NO. 138 OF 2018

TIMOTHY MARETEAPPLICANT

VERSUS

EDWARD M'IBIRI

AGATHA WANJIRU.....RESPONDENT

RULING

Application dated 13th November 2018 sought that time for filing appeal be enlarged and the Memorandum of appeal annexed is deemed as having been properly filed.

The applicant also sought stay of execution orders of the judgement in Meru CMCC C. No. 407 of 2013 delivered on 17th October 2018 pending hearing and determination of application inter-partes and hearing and determination of appeal.

Among grounds supporting application are that applicant had arguable appeal with high chances of success. It was argued that Respondents had threatened to demolish the applicant's houses and fence off the suit land. It was applicant's argument that he stands to suffer irreparable loss and damage.

The application was supported by affidavit of Timothy Marete. Upon Perusal of the trial courts file No. 497 of 2013 which was availed long after date for ruling had passed, I did establish that same having been claim over land, the applicant ought to have filed it in the Environment and Land Court.

The application dated 13th November 2018 is therefore dismissed. No orders as to costs as Respondents don't seem to have appeared.

HON. A.ONG'INJO

JUDGE

RULING DELIVERED, DATED AND SIGNED IN COURT ON THE DAY OF 7th MARCH 2019

HON. A.MABEYA

JUDGE