



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA MERU

ELC MISC APPLICATION CASE NO. 15 OF 2020

ZAKAYO KAMENCHU..... APPLICANT

VERSUS

JENNIFER KANARIO IKIAO1ST RESPONDENT

DOUGLAS KINYUA IKAMATI 2ND RESPONDENT

RULING

1. This application is dated 5th August, 2020 and seeks the following orders:

1. That this matter be certified urgent and heard on a priority basis.
2. That this honourable court do allow the hearing of this application during the vacation due to the urgency involved and for justices end.
3. That pending hearing and determination of this application interparties, the honourable court be pleased to grant an order of (sic) stay of execution in the Ruling delivered by the Honourable Court on 27th May, 2020 by the Honourable Gathogo Sogomo in Tigania PMCC No. 17 of 2020.
4. That pending hearing and determination of the intended appeal this honourable court be pleased to order of (sic) stay of execution in the Ruling delivered by the honourable Court on 27th May, 2020 by the Honourable Gathogo Sogomo in Tigania PMCC No. 17 of 2020.
5. That the Memorandum of Appeal annexed hereto be deemed as duly filed.
6. That costs of this application be in the cause.

2. The application is supported by the affidavit of Zakayo Kamenchu, the applicant and has six grounds:-

1. That in a Ruling delivered in the Principal Magistrates Court on 27th May, 2020 a determination against the applicant was made.
2. That the intended appeal is arguable and has overwhelming chances of success.
3. That this application has been made diligently and without unreasonable delay.
4. That the applicant is ready to abide with the conditions set by court.
5. That unless the said ruling is stayed the applicant will suffer irreparably.
6. That accordingly, in the interests of justice and fairness, the said orders sought in this application ought to be granted as prayed.

3. Having perused the application, I note that the impugned ruling was delivered on 27th May, 2020 over two months before this application was filed. There is no evidence that an appeal was filed within the statutorily stipulated time. The applicant has also not offered any deposit as security which deposit is a mandatory prerequisite for an order of stay of execution to accrue.

4. In the circumstances,

a) This application is certified urgent.

b) Prayer 3 is denied.

c) Prayers 4, 5 and 6 will be canvassed at the Meru ELC Court on 19th August, 2020.

Delivered in chamber at Chuka this **12th day of August, 2020** in the presence of:

CA: Ndegwa

P. M NJORGE,

JUDGE.