



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

MERU ELC APPEAL CASE NO. 92 OF 2010

DR. LEONARD KIMEU MWANTHIAPPELLANT

VERSUS

RUKARIA M'TWERANDU M'IRINGU.....RESPONDENT

AND

NATHANIEL KITHINJI IKIUGU...1ST INTENDED INTERESTED PARTY/APPLICANT

LABAN NDETWA NGIGI.....2ND INTENDED INTERESTED PARTY/APPLICANT

ZIPPORAH NKATHA MBAABU.....3RD INTENDED INTERESTED PARTY/APPLICANT

ANNE WANJUGU KARIITHI.....4TH INTENDED INTERESTED PARTY/APPLICANT

MUKINDIA SAMWEL MWIRIGI.....5TH INTENDED INTERESTED PARTY/APPLICANT

RULING

1. This application is dated **3rd August, 2020** and seeks the following orders:-

1. That this matter be certified as urgent and be heard exparte in the first instance.
2. That this honourable court be pleased to enjoin the intended interested parties/applicants herein in these proceedings.
3. That this honourable court be pleased to issue an order for stay of execution herein of the orders issued on 23rd May, 2018, pending the hearing and determination of this application.
4. That this honourable court be pleased to review, vary and/or set aside its judgment dated the 23rd May, 2018 and the matter be heard denovo.
5. That in the alternative to prayer No. 4, there be a declaration that when the Appellant herein is recovering his share, the same be done with the exclusion of parcels Nos. Ntima/Igoki/9595, 9596, 9605, 9601, 9597 and 9598 belonging to the 1st, 2nd, 3rd, 4th and 5th applicants herein respectively.
6. That costs of this application be provided for.

2. The application is supported by the affidavit of Dr. Leonard Kimeu Mwanthi, the applicant and has 36 grounds.

3. I note that the grounds in the application address issues which will be considered by the court when hearing and determining the appeal. I am of the opinion that these are issues which should be considered by the court which will hear and determine the appeal, in this case Meru ELC Court. For stay of execution, prerequisites such as security for due performance must be addressed.

4. The following orders are issued: _

a) The application is certified urgent.

b) This application will be placed before the **Hon. Justice Lucy Mbugua, ELC Judge at Meru on 19th August, 2020.**

Delivered in Chambers at Chuka this 6th day of August, 2020 in the presence of:

CA: Ndegwa

P. M. NJOROGI,

JUDGE.