

- (i) their astonishment as to why the Applicant would seek to stay the judgment that he voluntarily consented into by way of the court annexed mediation.
 - (ii) That new leases will be renewed in the suit property after expiry of the current leases October 2025 hence it will be difficult to implement the judgment of the court.
5. The brief history giving rise to the application before the court is that parties herein were referred to the court annexed mediation whereat they entered into a consent which settled the matter herein.
 6. The terms of the consent included *inter alia* subdivision of the suit property known as Transmara/Moyoi/66 to the 7 houses, and defendant to remain in possession and occupation of his parcel.
 7. The Applicant now wants the implementation of the said consent halted until November 2025 on the grounds that he was indisposed and unable to take part in the process being the registered owner thereof.
 8. Upon consideration of the said application and the responses, unlike what the Respondents depone in opposition to the application, the stay sought by the applicant is to enable him recover and supervise the implementation of the consent judgment herein, hence Applicant invoked the provisions of order 22 Rule 21, as opposed to order 42 Rule 6, which provides for a stay of execution pending Appeal.
 9. Noting that court judgments can be implemented within 12 years, the request to halt the implementation of the judgment from the date of the application to November 2025, seems reasonable to the court.
 10. Once subdivision is done and the judgment is implemented, the new owners will be at liberty to determine what leases they will issue with respect of their parcels and may renew and/or cancel any existing leases hence the court finds no prejudice will be visited to the Respondents.

11. It is the court's considered view that the Applicant be granted an opportunity to be present when the decision of the court is being implemented and it therefore allows the application in terms of prayers 2 and 4.
12. The Applicant shall not also lease and/or renew leases to third parties, given the consent judgment, herein, which divests from him to other parties.
13. The Land Registrar and Land Surveyor shall issue summons to implement the court decisions in the month of November 2025 or as they may agree with the parties herein and their Advocates.
14. The OCS Lolgorian police station to provide security during the implementation of the judgment by the visit of the Land Registrar and/or Surveyor.
15. There shall be no orders as to costs of the application.

Dated at Kilgoris this 16th day of October, 2025.

Hon. M.N Mwanyale
Judge

In the presence of

CA - Emmanuel/Sylvia/Sandra

Ms. Kithinji for Respondent/Plaintiffs

Mr. Ochwangi for Defendant/Applicant