



**Ngeru v Mwangi (Environment and Land Appeal E018 of 2025)  
[2025] KEELC 6589 (KLR) (1 October 2025) (Ruling)**

Neutral citation: [2025] KEELC 6589 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MURANGA  
ENVIRONMENT AND LAND APPEAL E018 OF 2025  
MN GICHERU, J  
OCTOBER 1, 2025**

**BETWEEN**

**DOUGLAS MWANGI NGERU ..... APPLICANT**

**AND**

**LUCY NJOKI MWANGI ..... RESPONDENT**

**RULING**

1. This ruling is on the notice of motion dated 3-6-2025. The motion which is by the Appellant seeks one main residual order.
2. There be a stay execution of the judgment of the lower court dated 19-5-2025 pending the hearing of this appeal.
2. The motion is brought under Order 42 rule 1 of the Civil Procedure Rules and all other enabling provisions of the law. It is supported by an affidavit of the Appellant dated 3-6-2025 and Seven (7) grounds. A summary of the motion is as follows. Firstly, the Appellant was dissatisfied with the judgment of the lower court and therefore preferred this appeal. Secondly, the appeal has high chances of success. Thirdly, the Respondent has been harassing the Applicant as a result of which he has made several reports to the police. For the above and other reasons, the order sought should issue.
3. The motion, through served as per the affidavit of service dated 22-7-2025 is not opposed by the Respondent.
4. I have carefully considered the motion in its entirety including the affidavit in support and the grounds. I have also considered the judgment dated 19-5-2025. It is not very clear to me what the status quo on the suit land is.



Looking at pages 6 and 7 of the judgment, it would seem to me that the Respondent is in part occupation of the suit land. The judgment reads as follows.

“It was the Plaintiff who used to buy the cows and later sell them and at the time of the hearing, she was living in the chicken house...”

The affidavit by the Applicant has not addressed this issue of status quo.

5. I find that the best order to give in all the circumstances of this case is that the status quo be maintained so that the Respondent who is apparently in occupation of the suitland or part thereof is not evicted therefrom.
6. Consequently, I decline to allow the motion dated 3-6-2025 and direct that the status quo be maintained so that the Respondent continues to occupy the suit land.

It is so ordered.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT MURANG'A THIS 1<sup>ST</sup> DAY OF OCTOBER, 2025.**

**M.N. GICHERU**

**JUDGE.**

Delivered online in the presence of; -

Court Assistant – Mwangi Njonjo

Applicant’s Counsel –

Respondent’s Counsel –

