



**Kivure & 7 others (Suing On Their Behalf And On Behalf Of 4201 Members Of Kishamba B Group Ranch) v Mwakina and 2 others (Sued as Defunct Chairman, Secretary and Treasurer respectively of the Executive Committee of Kishamba B Group Ranch) & 4 others; County Government of Taita Taveta & 35 others (Interested Parties) (Environment and Land Case 4 of 2024) [2025] KEELC 7442 (KLR) (Environment and Land) (29 October 2025) (Directions)**

Neutral citation: [2025] KEELC 7442 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT VOI  
ENVIRONMENT AND LAND  
ENVIRONMENT AND LAND CASE 4 OF 2024  
EK WABWOTO, J  
OCTOBER 29, 2025**

**BETWEEN**

**JOHN KIVURE & 7 OTHERS ..... PLAINTIFF  
SUING ON THEIR BEHALF AND ON BEHALF OF 4201 MEMBERS OF  
KISHAMBA B GROUP RANCH**

**AND**

**BENSON MLAMBO MWAKINA, ANTHONY KISHAGHA MWASI &  
FLORENCE MALANDI (SUED AS DEFUNCT CHAIRMAN, SECRETARY  
AND TREASURER RESPECTIVELY OF THE EXECUTIVE COMMITTEE OF  
KISHAMBA B GROUP RANCH) ..... 1<sup>ST</sup> DEFENDANT  
CABINET SECRETARY MINISTRY OF LANDS, HOUSING AND PHYSICAL  
PLANNING ..... 2<sup>ND</sup> DEFENDANT  
DIRECTOR OF LAND ADJUDICATION/SETTLEMENT ..... 3<sup>RD</sup> DEFENDANT  
COUNTY LAND REGISTRAR - TAITA TAVETA COUNTY ... 4<sup>TH</sup> DEFENDANT  
ATTORNEY GENERAL ..... 5<sup>TH</sup> DEFENDANT**

**AND**

**COUNTY GOVERNMENT OF TAITA TAVETA ..... INTERESTED PARTY  
DUNSTUN KIMBIO & 34 OTHERS ..... INTERESTED PARTY**



## DIRECTIONS

1. On 25<sup>th</sup> September 2025 this court delivered its judgment on this matter. Subsequently thereafter a decree was published on the Case Tracking System (CTS) on 9<sup>th</sup> October 2025.
2. The Plaintiffs herein stated that after following up on the draft decree they were served with a copy of the decree given in terms of the letter dated 15<sup>th</sup> October 2025 by the firm of Shariff Ramadhan Advocates upon which they protested for it being contrary to the Order 21 Rule 7 of the Civil Procedure (Amendment) Rules 2020.
3. Vide their letter dated 24<sup>th</sup> October 2025 the Plaintiffs stated that they had written to the parties forwarding a draft decree in line with the said letter. Owing to the said dispute, they requested for the matter to be placed before the Judge for directions on the decree pursuant to Order 21 Rule 8(4) of the Civil Procedure Rules 2020.
4. When the parties appeared before me on 29<sup>th</sup> October 2025, Learned Counsel Mr. Litoro submitted that the decree given on 9<sup>th</sup> October 2025 was in terms of the letter dated 15<sup>th</sup> October 2025 which had included the reliefs sought in Mombasa ELC No. 74 of 2019 and Mombasa ELC No. 116 of 2015. According to Learned Counsel Litoro the judgment was in respect to only the suit file being Voi ELCLC No. 4 of 2024.
5. Learned Counsel Mr. Olendi submitted that the 2 files moved together from Mombasa and were consolidated to form Voi ELC No. 4 of 2024 and as such the said decree was the correct decree.
6. While the Plaintiff has moved the court by citing Order 21 Rule 8(4) it is worth noting that the same stipulates as follows: -

“On any disagreement with the draft decree any party may file the draft decree marked as “for settlement” and the Registrar should thereupon list the same in chambers before the Judge who heard the case or if he is not available before any other Judge and shall give notice thereof to the parties.”
7. Having sight of the said provisions it is evident that the same applies to only a draft decree and not on the published and or extracted decree. So, what happens when a decree has been signed, sealed, published and uploaded on the CTS?
8. When a decree has been signed, sealed, published and uploaded on the C.T.S, the Judge cannot entertain the same under the provisions of Order 21 Rule 8(4) of the Civil Procedure (Amendment) Rules 2020 since the settlement of terms in line with the said provision only applies to a draft decree. In those circumstances and specifically where a decree has been published, the aggrieved party is expected to move the court appropriately. See the Court of Appeal case of Highway Furniture Mart Limited =Versus= Permanent Secretary Office of the President & Another (2006) KECA 190 KLR.
9. In conclusion and having considered the aforementioned provisions, it is hereby directed as follows: -
  - i. Order 21 Rule 8(4) of the Civil Procedure (Amendment) Rules 2020 is inapplicable herein since the decree has already been signed, sealed and published on the Case Tracking System (CTS).
  - ii. Parties are at liberty to move the Court appropriately.



**DATED, SIGNED AND DELIVERED VIRTUALLY/OPEN COURT AT VOI THIS 29<sup>TH</sup> DAY OF  
OCTOBER 2025.**

**E. K. WABWOTO**

**JUDGE**

