

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT MERU

ELCA CASE NO. 25 OF 2014

COOPERATIVE BANK OF KENYA LIMITED.....APPELLANT

VERSUS

JOSEPHAT KIRIGIA ABURI.....RESPONDENT

ORDER/RULING

1. This court has been requested to grant a further 7 days stay so that the appellant can file a formal application for stay.
2. The application has been objected to by the respondent who avers that the application ought to be made at the Court of Appeal and that this court is functus official.
3. I have considered the arguments raised herein. I find that pursuant to order 42 of the Civil Procedure Rules, this court has the mandate to hear and determine an application for stay. Further such an application can also be made orally. The court has the discretion to grant such orders that are fair and just.
4. I find that this court delivered a decision (ruling) on 27.3.2019 and the court was requested to grant a stay of 14 days. The court obliged them and a stay of 14 days was granted.
5. The appellant had a window of opportunity to take action that he desired during the intervening period. He however did nothing.
6. As such I decline to grant any orders of stay.
7. This matter is marked as closed.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 25TH DAY OF APRIL, 2019 IN THE PRESENCE OF:-

C/A: Kananu

Mutegi for appellant

Kimathi Arimi for respondents

HON. LUCY. N. MBUGUA

ELC JUDGE