



Ambutu v Nyaki Farmers Cooperative Society Ltd (Environment and Land Civil Appeal 76 of 2019) [2025] KEELC 5631 (KLR) (30 July 2025) (Ruling)

Neutral citation: [2025] KEELC 5631 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MERU
ENVIRONMENT AND LAND CIVIL APPEAL 76 OF 2019**

BM EBOSO, J

JULY 30, 2025

BETWEEN

JADIEL GIKUNDI AMBUTU APPELLANT

AND

NYAKI FARMERS COOPERATIVE SOCIETY LTD RESPONDENT

RULING

1. This ruling relates to the question as to whether this appellate court file should be the arena of execution of the decree issued in this appeal. One of the issues in contest is the allegation that the decree of the lower court was partially settled and that there is duplicity of enforcement.
2. The decree of an appellate court replaces the decree of the trial court. The arena of execution should always be the trial court file. One of the reasons why there should be one arena of execution is to avoid duplicity in execution or enforcement. It was an error on part of the Court Registry when it accepted the decree holder's application for execution on the platform of an appeal file.
3. For the above reasons, the warrants of execution issued in this appeal file are recalled and cancelled. The decree holder is ordered to enforce the decree on the platform of the lower court file.
4. It is so ordered.

DATED, SIGNED AND DELIVERED AT MERU THIS 30TH DAY OF JULY, 2025

B M EBOSO [MR]

JUDGE

In the Presence of

Mr Sandi for the Applicant

Mr. Karanja for the Appellant/Respondent



