Mwangi v Raimbir (Environment and Land Appeal E013 of 2023) [2025] KEELC 5635 (KLR) (30 July 2025) (Ruling)

Neutral citation: [2025] KEELC 5635 (KLR)

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ENVIRONMENT AND LAND APPEAL E013 OF 2023

BM EBOSO, J

JULY 30, 2025

BETWEEN

WANJUGU MWANGI ..... APPELLANT

AND

JAGAT SINGH RAIMBIR ..... RESPONDENT

RULING

1. Before court is the application dated 22/7/2025 in which the appellant seeks: (i) an order granting her leave to effect a post-judgment change of advocates; and (ii) an order staying execution of the judgment of this court rendered on 9/5/2025.

2. The plea for a post-judgment change of advocates is not opposed. Consequently, prayer (b) is allowed.

3. On the plea for an order of stay of execution, what this court rendered was a judgment dismissing this appeal on the ground of lack of merit. Put differently, the order/decree which the appellant seeks to stay is a negative order. There is nothing to be stayed in the said negative order. There abounds a litany of jurisprudence to the effect that a negative order does not attract an order of stay of execution. [see the case of Western College)

4. For the above reasons, the application dated 22/7/025 is disposed in the following terms:

    a. The plea for post-judgment change of advocates is granted.

    b. The plea for an order of stay of execution of the judgment rendered on 9/5/2025 is rejected and dismissed on the ground that what is in the said judgment is a negative order.

    c. The applicant shall bear costs of the application.

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

B M EBOSO [MR]

JUDGE

In the Presence of

Mr. Kimathi for the Applicant

Mr. Muthamia for the Respondent

Court Assistant - Tupet