

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC APPEAL NO. 66 OF 2019

JAPHET MURIUNGI RUKUNGA (suing as legal

representative of the Estate of

M'ITIRI MBIRITHI M'MBIRITHI DECEASED).....APPELLANT

VERSUS

STEPHEN MURIUKI BAIBAYA.....RESPONDENT

RULING

1. In the application dated 3.5.2019, applicant/appellant seeks for the following orders:

- (i) That this application be certified as urgent and the same be heard exparte in the 1st instance.
- (ii) That pending interpartes hearing of the application, an order be issued staying all proceedings in Tigania PMCC No. 97 of 2015.
- (iii) That pending the hearing and determination of the appeal, an order be issued staying all the proceedings in Tigania PMCC No. 97 of 2015.
- (iv) That costs be provided for.

2. The application is supported by the grounds on the face of the application and on the affidavit of the applicant.

3. I find that the application was served but no response was filed. Further, I note that a fundamental issue has been raised, that titles have already been issued.

4. In the circumstances, I find that the application is merited. I allow the same on condition that the stay orders shall remain in force for a period of 1 (ONE) year only.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 23RD MAY, 2019

IN THE PRESENCE OF:-

C/A: Kananu

Munga holding brief for Mwirigi for applicant

HON. LUCY. N. MBUGUA

ELC JUDGE