



**Ngaine v Mwanirua (Environment and Land Appeal
E037 of 2024) [2025] KEELC 5624 (KLR) (30 July 2025) (Ruling)**

Neutral citation: [2025] KEELC 5624 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MERU
ENVIRONMENT AND LAND APPEAL E037 OF 2024**

**BM EBOSO, J
JULY 30, 2025**

BETWEEN

M'THINJI NGAINE APPELLANT

AND

CHARLES MWANIRUA RESPONDENT

RULING

1. Upon disposal of the application that sought substitution of the respondent who is now deceased, counsel for the respondent informed the court that he had filed an application for recusal of the court. He asked that the application be heard and disposed prior to the disposal of the appellant's application dated 7/8/2024.
2. The appellant has termed the application dated 30/7/2025 as a ploy to stall the hearing and disposal of the application dated 7/8/2024. He has asked the court to grant the subsisting stay order in the interim.
3. The court has considered the submissions by the two advocates. The court agrees with the respondent that the plea for recusal should take precedence. However, to prevent abuse of the court process, the subsisting interim order will remain in force until the application dated 7/8/2024 is heard and determined. 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. Thangicia for the Appellant

Mr. Karuti for the Respondent



