



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT MERU**

**ELCL APPEAL CASE NO. 56 OF 2012**

**JOSEPH MURITHI**

**M'MUGAINE .....APPELLANT**

**-VERSUS-**

**MWARANIA**

**NKANATA.....RESPONDENT**

**RULING**

**(EX-TEMPORE)**

- 1.** The court has considered the application dated 1/12/2025. It is a post-judgment plea seeking orders enforcing the judgment of the trial court, dated 6/6/2012. This court exercised appellate jurisdiction in this matter. Vide a judgment rendered by **Cherono J** on 14/11/2018, this court rejected and dismissed the appellant's appeal, for lack of merit. No positive order was issued by this court in the said judgment.
- 2.** Even if a positive order/decreed existed in the judgment, the proper platform on which to enforce the order/decreed is

**Nkubu SPMC Civil Case No 16 of 2010.** However, none exists.

- 3.** The present application should be filed and canvassed in **Nkubu SPMC Civil Case No 16 of 2010.** For the above reason, the application dated 1/12/2025 is struck out with no order as to costs.

**DATED, SIGNED AND DELIVERED AT MERU THIS 10TH DAY OF FEBRUARY, 2026.**

**B M EBOSO [MR]  
ELC JUDGE**

**In the presence of:**

Mr Mwarania Nkanata -Respondent - Present in Person.

Appellant in person.

Court Assistant – Mr. E. Tupet