



**Ouro v Kemey & 2 others (Environment and Land Appeal
E030 of 2024) [2026] KEELC 781 (KLR) (17 February 2026) (Ruling)**

Neutral citation: [2026] KEELC 781 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KITALE
ENVIRONMENT AND LAND APPEAL E030 OF 2024**

CK NZILI, J

FEBRUARY 17, 2026

BETWEEN

GRACE KWAMBOKA OURO APPELLANT

AND

PAUL KIPSANG KEMEY 1ST RESPONDENT

**THE COUNTY LANDS ADJUDICATION & SETTLEMENT OFFICER, TRANS
NZOIA 2ND RESPONDENT**

THE HON ATTORNEY GENERAL 3RD RESPONDENT

RULING

1. The application dated 26/1/2026 was filed after an unexplained inordinate delay following the judgment of the lower court. Though the law does not state what maximum or minimum delay is, it all depends on the circumstances of the case. Over one year after the decree was passed is inordinate delay.
2. Substantial loss is the cornerstone of stay. It has to be demonstrated through cogent and tangible evidence as held in *James Wangalwa & Another v Agnes Naliaka Cheseto* [2012] eKLR. It is not enough to allege that execution is imminent. A party must demonstrate how the substratum of the appeal will be negated to render the appeal nugatory, as held in *Kenya Shell Ltd v Kibiru* [1986] eKLR.
3. As to security, it has to be offered as held in *Arun C. Sharma v Ashana Raikundalia T/A A. Raikundalia & Co. Advocates & 4 others* [2014] eKLR. The applicant has not led evidence for the court to exercise its discretion why, in the interest of justice, the applicant should have a temporary stoppage of the execution as held in *Dodhia v Wafula* [2025] KECA 2172 [KLR] (10th December 2025), to stop the decree holder from enjoying the fruits of his judgment.
4. I find the application lacking merits. It is dismissed with costs. Lower Court File be availed. Mention before the Deputy Registrar on 19/3/2026. Mention notice to issue.



5. Orders accordingly.

RULING DATED, SIGNED, AND DELIVERED VIA MICROSOFT TEAMS/OPEN COURT AT KITALE ON THIS 17TH DAY OF FEBRUARY 2026.

In the presence of:

Court Assistant - Dennis

Nyachiro for the appellant/applicant present

Wanyonyi for the respondent absent

HON. C.K. NZILI

JUDGE, ELC KITALE.

