

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MAKUENI
ELC APPEAL NO. E009 OF 2025

CATHERINE NTHENYA
SAMMYAPPELLANT
-VERSUS-
DANIEL JOHN KATONDAMBUKI1ST
RESPONDENT
FAMILY BANK.....2ND RESPONDENT
COMPLIANCE AUCTIONEERS..... 3RD RESPONDENT
(Being an application for stay of proceedings pending the hearing and determination of Appeal against the Ruling and order delivered on 24th April, 2025 by Hon. P. Gesora at Makueni MCELC No. E015 of 2024)

RULING

1. On 16th February, 2026 when this matter came up for highlighting of submissions in respect of a pending appeal against a ruling of Hon. P. Gesora delivered on 24th April, 2025, Mr. Mutuku for the Appellant objected to the appearance of Mr. Orende for the 2nd Respondent on the grounds that he had not filed a notice of appointment of advocate in respect of the appeal file. He urged the court to expunge documents filed by Mr. Orende.
2. In response to the objection, Mr. Orende submitted that he was the one who acted for the 2nd Respondent in the lower court matter and since he had been served, there was no need to file a notice of appointment of advocate as this was a continuation of proceedings.
3. I have considered the objection by Mr. Mutuku and the response by Mr. Orende. The appeal before this court arises from an interlocutory application. Whichever way the appeal will go, the matter has to go back to the lower court for completion of whatever was pending before the court. As Mr. Orende did not have to file a notice of appointment of advocate in the appeal file. I therefore find the objection by Mr. Mutuku to be devoid of merit. I dismiss the objection with costs to the 2nd Respondent.

It is so ordered.

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HON. E. O. OBAGA

JUDGE

**RULING DATED, SIGNED AND DELIVERED VIA MICROSOFT
TEAMS THIS 19TH DAY OF FEBRUARY, 2026.**

IN THE PRESENCE OF:

Mr. Mutuku for Appellant

Mr. Kioko for Mr. Muinde for 1st Respondent.

Ms. Wafula for Mr. Orende for 2nd Respondent.

Court assistant – Steve Musyoki

ORIGINAL