



Takata Limited v Solio Ranch Limited & another (Environment and Land Case 18 of 2021) [2026] KEELC 743 (KLR) (11 February 2026) (Ruling)

Neutral citation: [2026] KEELC 743 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NANYUKI
ENVIRONMENT AND LAND CASE 18 OF 2021
LN MBUGUA, J
FEBRUARY 11, 2026**

BETWEEN

TAKATA LIMITED PLAINTIFF

AND

SOLIO RANCH LIMITED 1ST DEFENDANT

KAPLAN & STRATON ADVOCATES 2ND DEFENDANT

RULING

1. Judgement in this matter was delivered on 24.9.2025 in favour of the plaintiff as against the defendant for the sum of Ksh 29 000 000 as damages for breach of contract plus costs and interests. The defendants have now filed an application dated 25.11.2025 seeking orders of stay of execution of the aforementioned judgment on grounds that defendants intend to lodge an appeal, arguing that the amount of Ksh 29 million is colossal.
2. In opposition thereof, the plaintiffs filed a replying affidavit dated 15.12.2025 contending that the application has not met the threshold of granting a stay, averring that 11 years have lapsed since the time of the sale agreement.
3. The court has considered the rival arguments as well as the governing law on matters “stay of execution” as set out under order 42 rule 6 of the Civil procedure rules and case law; see Beatrice Wambui Kabui & 7 others v Stephen Kimotho Kabui [2016] eKLR, Selestica Limited v Gold Rock Development Ltd [2015], Mwaniki Murangiri v Ndwiga Murangiri Muruambuci & another [2019] eKLR.
4. The court has discretion to grant or to refuse an application for stay of execution pending appeal, in that the court when granting a stay, it has to balance the interests of the applicant with those of the respondent. In the case at hand, judgment was delivered way back in September 2025 and the court granted a stay of execution of the said judgment for a period of 60 days. Thus cumulatively, the said judgment is about 5 months old.



5. It is not the place of this court to consider whether the applicant has an arguable appeal or not. It would suffice to give the applicant a window to ventilate their issues at the higher court. In that regard, this Court grants a further and final order of Stay Of Execution of the judgment lasting three months from the date of delivery of this ruling. The applicants shall meet the cost of the application.

DATED, SIGNED AND DELIVERED AT NANYUKI THIS 11TH DAY OF FEBRUARY 2026 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:

Abigail Nganga for plaintiff.

Rao holding brief for Dr. Ojiambo S.C. for Defendants

Court Assistant – Nancy Mwangi

