

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KITALE
ELC NO. 79 OF 2010

**SOFIE
LWANGU-----
PLAINTIFF**

FEIS

VERSUS

**BENSON WAFULA NDOTE & 23 OTHERS-----
DEFENDANTS**

RULING

- 1.** By a ruling dated **22/10/2025**, the court dismissed an application for a stay of execution of the judgment delivered on **15/3/2025**.
- 2.** This matter was placed before me for directions by the Deputy Registrar, following a letter dated **12/3/2026**, asking for the release of Title No. **Trans Nzoia/Sinyerere/715** in the name of **Jeridah Kilisia Ndote** produced by the 1st defendant herein for the purpose of the Land Registrar effecting the decree herein.
- 3. Order 14 Rule 5** of the Civil Procedure Rules provides that a party may request the release of specific exhibits after the completion of a case. The

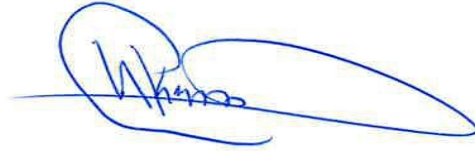
discretion lies with the court that admitted the document as an exhibit.

4. The decree holders urge the court to release the exhibit to them for its surrender to the Land Registrar for the execution of the decree dated **11/08/2025**. Mr. Kiarie, Advocate for the 3rd defendant, has no objection to the request made.
5. The court has looked at the judgment dated **24/3/2025**. Paragraphs **111** and **112** are clear on the way forward. The court, in the circumstances, finds that the request by the letter dated **12/3/2026** is not in tandem with the judgment as to the way forward.
6. The court finds no reason to withhold the original title deed(s), for there is no superior decree or order from the Court of Appeal staying the execution of the decree. The Deputy Registrar of this court shall facilitate the surrender of the original title deeds to the safe custody of the Land Registrar for further action. A certified copy of the exhibits shall be retained in the court record.
7. Orders accordingly.

Ruling dated, signed, and delivered via **Microsoft Teams/Open Court** at **Kitale** on this **16th** day of **April 2026**.

In the presence of:

Court Assistant - Dennis

A handwritten signature in blue ink, appearing to be 'C.K. Nzili', written over a faint yellow rectangular background.

**HON. C.K. NZILI
JUDGE, ELC KITALE.**

ORIGINAL