



**Kaikai v Kalasinga (Environment and Land Miscellaneous Case
E002 of 2026) [2026] KEELC 2465 (KLR) (30 April 2026) (Ruling)**

Neutral citation: [2026] KEELC 2465 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KILGORIS
ENVIRONMENT AND LAND MISCELLANEOUS CASE E002 OF 2026
MN MWANYALE, J
APRIL 30, 2026**

BETWEEN

JAMES KAYIONI KAIKAI APPLICANT

AND

DANIEL LEURU KALASINGA RESPONDENT

RULING

1. Upon consideration of the Notice of Motion dated 10th of March 2026, filed by James Kayioni Kaikai, a prose litigant Applicant herein, seeking, orders of stay of execution of the Ruling and/order of the Chief Magistrates Court at Kilgoris delivered on 10th of March 2026, dismissing these two Notices of Motion dated 8th December 2025, and 28th January 2026 and seeking an order of stay of eviction to restrain the Respondent the OCPD/DCC Transmara West from evicting to him from Transmara/Olomismis/1329 pending hearing and determination of the intended Appeal be filed before this court.
2. Noting that the Respondent did not file any Response to the application, and noting further that the application was filed in vacuo, in terms that no Memorandum of Appeal had been filed before filing of the application, leading to the court observing the same in its proceedings of 24/03/2026, while the application was filed on 10/03/2026.
3. Noting further that the Applicant filed the Memorandum of Appeal after almost 2 weeks after filing of the application, it follows then that the issue for determination is whether the application as filed is competent.
4. The court now opines that as filed, the application is fatally defective having been filed without the Memorandum of Appeal, yet it seeks a stay of execution against the orders issued.
5. The late filing of the Memorandum of Appeal does not cure the said defect.



6. It follows that there is no competent application for the court to consider and the inevitable conclusion is that the application dated 10th of March 2026, is hereby struck out.
7. There shall be no orders as to costs, as no response to the application was filed and the Respondent's submissions were filed out of time and were not considered.

DATED AT KILGORIS THIS 30TH DAY OF APRIL 2026

HON. M.N. MWANYALE

JUDGE

In the presence of

CA – Sylvia/Clara

James Kaikai prose litigant

Mr. Mulisa for Respondents

