



REPUBLIC OF KENYA



**Maneno & 4 others v Ibrahim & 3 others (Environment and Land  
Case 30 of 2016) [2026] KEELC 2349 (KLR) (20 April 2026) (Ruling)**

Neutral citation: [2026] KEELC 2349 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MALINDI  
ENVIRONMENT AND LAND CASE 30 OF 2016**

**FM NJOROGE, J**

**APRIL 20, 2026**

**BETWEEN**

**SALIM M MANENO & 4 OTHERS & 4 OTHERS & 4 OTHERS ..... PLAINTIFF**

**AND**

**IDDI IBRAHIM & 3 OTHERS & 3 OTHERS & 3 OTHERS ..... DEFENDANT**

**RULING**

1. This court has considered the motion dated 19<sup>th</sup> January 2026. The same seeks stay of execution of the judgment delivered on 18<sup>th</sup> December 2025 pending appeal.
2. I do note that a Notice of Appeal was filed on 22<sup>nd</sup> of December 2025 and a search for the purpose of this application brought under Order 42 Rule 6 there is an appeal in place.
3. As to whether the application was brought timeously, judgment was delivered on 18<sup>th</sup> December 2025 and a 30-day stay of execution of judgment was granted by this court. The application was filed on 20<sup>th</sup> January 2026, about 8 days before the expiry of that original stay. Consequently, this court is of the view that the application was brought without inordinate delay.
4. Regarding whether any substantial loss shall be occasioned to the first, second and third defendants/ applicants, this court is not so satisfied. The reasons for the court decision are in the judgment. The first and second defendant applicants were found to have acted contrary to the court judgment. This court detected irregularity in that it found a portion of land wrongly included in the decree executed by the first and second respondent contrary to the judgment of the court in Mombasa HCCOS 328 Of 2010. The circumstances of the inclusion of that portion point to the fact that it may not have been a bona fide mistake, and this court has already ordered that the Director, Criminal Investigations Department do launch investigations as to ascertain who applied for and obtained the decree and how LR number 3590 was included in the decree. In the circumstances, the execution of that decree in Mombasa HCCOS 328 Of 2010, as extracted, was wrongful and illegal in the first place.



5. Further, delivery up for cancellation of the mother titles issued to the first, second and third defendants in respect of LR Number 3591 and LR Number 3590 was ordered by the decree in this case. Halting execution of the decree in the present case would mean that the illegalities of the execution of the earlier decree in Mombasa HCCOS 328 Of 2010 will persist, which situation is not good for the administration of justice. Besides the third applicant was a beneficiary of a degree that had been illegally obtained by the first and second applicants, whether it was obtained from parcels of land within LR No 3590 or LR No 3591.
6. Owing to the foregoing reasons, this court finds it not necessary to grant the stay of execution order sought, and the application dated 19<sup>th</sup> January 2026 is hereby dismissed with costs.

**DATED, SIGNED AND DELIVERED AT MALINDI ON THIS 20<sup>TH</sup> DAY OF APRIL, 2026.**

**MWANGI NJOROGE,  
JUDGE, ELC, MALINDI.**

