



**Nchebere & another v M’Ibaya & 4 others (Environment and Land Appeal E002 of 2023 & Appeal E004 of 2023 (Consolidated)) [2026] KEELC 2448 (KLR) (28 April 2026) (Ruling)**

Neutral citation: [2026] KEELC 2448 (KLR)

**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT MERU**  
**ENVIRONMENT AND LAND APPEAL E002 OF 2023**  
**& APPEAL E004 OF 2023 (CONSOLIDATED)**

**BM EBOSO, J**  
**APRIL 28, 2026**

**BETWEEN**

**KANANGA NCHEBERE ..... 1<sup>ST</sup> APPELLANT**  
**PAUL KIGEA NABEA (DECEASED AND SUBSTITUTED BY KIGEA AMOS**  
**KILEMI & PASKWALE MWITI KIGEA ..... 2<sup>ND</sup> APPELLANT**

**AND**

**FRANCIS MURUNGI M’IBAYA ..... 1<sup>ST</sup> RESPONDENT**  
**FRANKLINE MUGAMBI ..... 2<sup>ND</sup> RESPONDENT**  
**CHRISTINE MWONJARU (DECEASED AND SUBSTITUTED BY SAMUEL**  
**MUCHENA KUBAI) ..... 3<sup>RD</sup> RESPONDENT**  
**GEORGE MUTUMA. .... 4<sup>TH</sup> RESPONDENT**  
**JOHN KARITHI M’IBAYA (LEGAL REPRESENTATIVE OF MUTHURI**  
**KIMATHI - DECEASED) ..... 5<sup>TH</sup> RESPONDENT**

**RULING**

1. This court exercised appellate jurisdiction in this matter and rendered a judgment in the appeal on 16/9/2025. No award was made with regard to costs. The decree of this court replaced the decree of the trial court. Most importantly, the platform for enforcing the appellate decree of this court is the lower court file. This appeal file is not available for the purposes of enforcing the decree.
2. Secondly, if the order which the applicant seeks in the application dated 31/3/2026 is not one of the reliefs that were granted in the decree, the proper platform on which to seek the order is a stand-alone miscellaneous application. Re-opening of this closed appeal file for the purpose of obtaining the reliefs sought in the application dated 31/3/2026 would be irregular.



3. For the above reasons, the application dated 31/3/2026 is struck out with no order as to costs.

**DATED, SIGNED AND DELIVERED AT MERU THIS 28TH DAY OF APRIL, 2026.**

**B M EBOSO**

**ELC JUDGE**

In the presence of:

Mr Thurania for the 1st Respondent in the Appeal.

Court Assistant – Mr. E. Tupet

