



**Thinwa v Ndungu & another (Environment and Land Appeal  
E032 of 2025) [2026] KEELC 2409 (KLR) (29 April 2026) (Ruling)**

Neutral citation: [2026] KEELC 2409 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NYANDARUA  
ENVIRONMENT AND LAND APPEAL E032 OF 2025**

**JM KAMAU, J**

**APRIL 29, 2026**

**BETWEEN**

**GEOFFREY MUCHIRI THINWA ..... APPELLANT**

**AND**

**MIKE NJOROGE NDUNGU & ANOTHER & ANOTHER ..... RESPONDENT**

**RULING**

1. In the Principal Magistrate’s Court at Ol-kalou ELC No. E032 of 2025, the 2nd Respondent prayed for:
  - a. An order of Court removing the inhibition on L.R No. Nyandarua/Ol- Kalou South/947 to enable the said 2<sup>nd</sup> Respondent process his Title and the same be registered as L.R Nyandarua/Ol- Kalou South/446 belonging to the 1<sup>st</sup> Respondent.
  - b. That an inhibition be maintained on L.R Nyandarua/Ol- Kalou South/4460.
  - c. Costs and interest.
  - d. Any other or further reliefs that the Court may deem appropriate to grant.
2. A Statement of Defence by the 1<sup>st</sup> Respondent was filed the same dated 13/2/2025 objecting to the Respondent’s claim and urging that the 1<sup>st</sup> Respondent had sold to the 2<sup>nd</sup> Respondent a portion of land measuring 0.2.Hectares which was to be excised from his (the 1<sup>st</sup> Respondent’s) land known as Nyandarua/Ol- Kalou South/947 and consent to transfer was duly applied for.
3. The 1<sup>st</sup> Respondent claimed that his land was subsequently inhibited by the Appellant through a Court order after the 1<sup>st</sup> Respondent was unable to pay the Decretal sum awarded to the Appellant in Nyahururu ELC No. 67 of 2018 and that the inhibition in favour of the Appellant has prevented the 1<sup>st</sup> Respondent to transfer the land to the 2<sup>nd</sup> Respondent.



4. The Appellant in his Defence dated 27/2/2025 said that he had no objection if the Decretal amount awarded to the Appellant by the 1<sup>st</sup> Respondent were paid for the inhibition to be lifted.
5. The Court then ordered that: -
  - a. The inhibition registered on parcel No. Nyandarua/Ol- Kalou South/947 be reviewed to enable the 2<sup>nd</sup> Respondent process his Title parcel No. Nyandarua/Ol- Kalou South / 446.
6. This was on 23/10/2025 and this is the Judgment which the Appellant appeals against.
7. The Appellant made an Application for the stay of the Judgment pending the hearing and determination of the Appeal pending before this Court.
8. He gives as his grounds of the Application that should the stay not be granted, the prohibition orders issued in Nyahururu CMELC No. 67 of 2018 will stand lifted and the Applicant will not realize his decretal sum issued in the said case, thus rendering his Appeal nugatory.
9. On his part, the 2<sup>nd</sup> Respondent pleaded in his Replying Affidavit sworn on 22/1/2026 that the stay of execution if granted would be prejudicial to the 2<sup>nd</sup> Respondent and that the lifting of the inhibition would not in any way prevent the Appellant from executing the Decree which he still holds and that the remaining parcel of land Nyandarua/Ol- Kalou South/4460 would still be more than enough to settle the Decretal sum awarded to the Appellant.
10. Having heard both parties, I will order for stay of execution since it is in order to compare the 2 suits in the 2 different courts of equal status.

**RULING READ AND DELIVERED IN NYANDARUA THIS 29TH DAY OF APRIL 2026.**

**MUGO KAMAU**

**JUDGE**

In the Presence of: -

Court Assistant: Samson.

Mr. Gakenia .....for the Applicant.

Ms. Bundi.....for the 2<sup>nd</sup> Respondent.

