



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELCEPA CASE NO. E003 OF 2025

**STEPHEN RAIBUNI M'MUTUNGA1ST
APPELLANT
HAMMERTON KIMATHI.....2ND
APPELLANT
KIRIMA KINYUA3RD
APPELLANT
POLLY KANANA.....4TH
APPELLANT**

=VERSUS=

**LUCY NAITORE LOBO.....1ST
RESPONDENT
MORRIS MURITHI2RD
RESPONDENT
CAROLINE MWENDWA MUTUMA.....3RD
RESPONDENT**

=AND=

**DANIEL KINOTI RAIBUNI
JACOB MWITIAFFECTED/INTERESTED
PARTY**

**RULING
(EX-TEMPORE)**

1. Through the notice of motion dated 1/8/2025, the three appellants seek the following orders: (i) an order admitting this appeal out of time; and (ii) an order staying execution of the judgment and decree in **Meru CMC E & L Case No E133 of 2023**.
2. The three respondents are represented by **M/s Karimi Gikundi Advocates**. Ms Karimi Gikundi has submitted that the respondents are not opposed to the application.
3. In the absence of any opposition, the application is hereby allowed in terms of prayers 3 and 2. Prayer 2 is allowed pending the hearing and disposal of this appeal.

DATED, SIGNED AND DELIVERED AT MERU THIS 12TH DAY OF MAY, 2026.

**B M EBOSO [MR]
ELC JUDGE**

In the presence of:

Ms Gikundi for the 1st - 3rd Respondents.

Mr Mwenda Mwarania for the Appellants.

Court Assistant - Mr. E. Tupet