

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO. 35 OF 2015

ELIPHAS MBAYA ARITHI.....APPLICANT

VERSUS

ANGELA GATUMI MUCHEKE.....RESPONDENT

RULING

1. In the application dated 26.2.2018, applicant prays for a stay of execution of this court's judgment delivered on 24.1.2018. The grounds in support of this application are that applicant will be rendered landless if the aforementioned judgment is executed.
2. The application is opposed.
3. The application was canvassed by way of filing written submissions. I have considered the arguments raised herein as well as the rival submissions. What the applicant is advancing before this court is that she has been rendered landless. This is however not the true position. The parcel of land in question is Land Registration No. Nkuene/Mitunguu/861 which is 1.013 Ha. Equivalent to 2 ½ acres. Applicant is therefore not candid before this court since the judgment ordered for transfer of one acre only. She is therefore not being rendered landless as she claims. The transfer of the one acre of land can be reversed in the event that the appeal is successful.
4. I find that the application is NOT merited. The same is dismissed with costs to respondent (in the application).

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 25TH DAY OF JULY, 2018 IN THE PRESENCE OF:-

Court Assistant: Janet/Galgalo

Rimita for appellant

B.G Kariuki for respondent

HON. LUCY. N. MBUGUA

ELC JUDGE