



**Kemoni & another v Omwoyo (Environment & Land Case
105 of 2021) [2024] KEELC 490 (KLR) (23 January 2024) (Ruling)**

Neutral citation: [2024] KEELC 490 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NYAMIRA
ENVIRONMENT & LAND CASE 105 OF 2021**

**JM KAMAU, J
JANUARY 23, 2024**

BETWEEN

YOBENSIA KEMUNTO KEMONI 1ST PLAINTIFF

MARGARET NYAITONDI GWOMA 2ND PLAINTIFF

AND

GEOFFREY MANGERA OMWOYO DEFENDANT

RULING

1. The Respondent Geoffrey Mangera Omwoyo in an Application dated 5/11/2023 seeks for orders that the proceedings that were conducted before the Deputy Registrar on October 26, 2023 be stayed and the Ruling be arrested pending the implementation of the re-visiting of the surveyor as was ordered by the Environment and Land Court in the Decree.
2. The second prayer is that the Notice to Show Cause dated 21/3/2019 be stayed and/ or set aside pending the hearing and disposal of the Application dated 21/8/2019.
3. The grounds upon which the Application is based are that there is still pending implementation of this court's order that the Land Registrar and County Surveyor, Nyamira do visit L. R. No. Matutu Settlement Scheme/214 and 215 for purposes of taking the ground measurements in accordance with the judgment of the court which orders were made on 28/1/2020 and 19/11/2021 respectively.
4. The Respondent seeks to have the Ruling on the Application dated 22/6/2023 arrested. The same was delivered on 16/11/2023. There is therefore nothing to stay. Likewise, the proceedings of 26/10/2023 cannot be stayed since they have already taken place.
5. The Application is therefore disallowed with costs. The same ought to have been brought before the actions to be arrested took place.



RULING DATED, SIGNED AND DELIVERED AT NYAMIRA THIS 23RD DAY OF JANUARY 2024.

MUGO KAMAU

JUDGE

In the presence of;

C/A: Brenda

No appearance for both parties and their advocates.

