



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT NAKURU

ELC NO. 5 OF 2012

NDIOGO OLE TARURU.....PLAINTIFF

VERSUS

MARY BENSON KUYO.....1ST DEFENDANT

SELIFINA WANJIRU THENDEU.....2ND DEFENDANT

RULING

(Application for stay pending appeal; application not opposed subject to request that original title deed be deposited in court; application allowed subject to deposit of title deed)

1. The application before me is that dated 25th August 2014 filed by the plaintiff. It is an application for stay of execution of the ruling delivered on 11th July 2014, pending the hearing of an appeal which has been preferred to the Court of Appeal. In the said ruling, the plaintiff's case was struck out as incompetent.
2. Mr. Otieno for the respondents has no objection to stay being granted, subject to the deposit, in court, of the title deed to the land parcel No. CIS Mara/Olpusimoru/51 which is in the name of the plaintiff, and which is the subject matter of this suit.
3. Considering the above, I do grant an order of stay of execution of the ruling of 11th July 2014, pending appeal to the Court of Appeal, subject to the condition that the plaintiff shall deposit the original title deed to the land parcel CIS Mara/Olpusimoru/51 in court within the next 14 days. If this is not done, then the stay herein shall automatically lapse.
4. The costs of the application shall abide the outcome of the appeal.
5. It is so ordered.

Dated, signed and delivered in open court at Nakuru this 20th January, 2016.

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU

In presence of:-

N/A on part of M/s Ikua Mwangi and Company for applicant.

N/A of part of M/s Geoffrey Otieno & Company for respondent

CA: Janet

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU