



**Mogaka v Miyongo (Environment and Land Appeal E004 of 2022)  
[2024] KEELC 1082 (KLR) (20 February 2024) (Ruling)**

Neutral citation: [2024] KEELC 1082 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NYAMIRA  
ENVIRONMENT AND LAND APPEAL E004 OF 2022**

**JM KAMAU, J**

**FEBRUARY 20, 2024**

**BETWEEN**

**DUNCAN MOKAYA MOGAKA ..... PLAINTIFF**

**AND**

**KEFA N. MIYONGO ..... DEFENDANT**

**RULING**

1. It is true that when the Applicant moved this court on 17/6/2022 for orders that pending the Hearing of the Appeal against the order of the Business premises Rent Tribunal at Kisii being case No. E006 of 2022 dated 23/5/2022 I did order that as a condition to the granting of the said order, the sum of Ksh. 144,000/- be deposited in this court as security for Rent arrears and not for costs. The Applicant now seeks that the said sum of money be released to him now that the Appeal was allowed. I will now order that the parties settle the issue of Rent arrears, if any, first before the money is released.

**RULING DATED, SIGNED AND DELIVERED AT NYAMIRA THIS 20TH DAY OF FEBRUARY 2024.**

**MUGO KAMAU**

**JUDGE**

In the presence of: -

Court Assistant - Brenda

No appearance for the Appellant

Mr. Bonuke for the Respondent

