



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NYERI**  
**ENVIRONMENT & LAND COURT**  
**CIVIL APPEAL NO.110 OF 2008**

**LAWRENCE KAIRU NYAMBURA.....APPELLANT**

**VERSUS**

**MOSES KINYURU GATHOGO.....RESPONDENT**

**R U L I N G**

The appellant seeks a stay of execution of the ruling of the court dated 16/5/2014. This court made a determination that the Land Registrar do visit the disputed parcel of land and create a boundary according to the acreage held by each party.

The appellant initially appealed against the decision of the Nyeri Provincial Land Appeals Committee which appeal was dismissed. The import of the dismissal was that the Land Registrar was to visit the disputed property and draw the boundary between the two parcels of land. The appellant did not appeal to the Court of Appeal but chose to rest on his laurels. The intended appeal will not reverse the decision of the Appeals' Committee as litigation ended with the said decision.

This court decision on 16/5/2014 was merely to state the rights of the parties and was in execution of the decisions of the Appeals Committee and the High Court. The Notice of Appeal filed by the appellant/applicant appears intended to assist the appellant obtain a stay of execution in this court as no appeal has been preferred against the decision of Justice Serگون dated 29/3/2012.

Moreover, the application appears to cover the contemptuous behavior of the Land Registrar who has failed to obey this court's orders on various occasions. Ultimately, the application is found not merited and the same is dismissed with costs.

**Dated, signed and delivered at Nyeri this 9th Day of June 2014**

**A. OMBWAYO**

**JUDGE**