



**Warari v Njoroge (Miscellaneous Application E010 of 2024)
[2024] KEELC 3885 (KLR) (26 March 2024) (Ruling)**

Neutral citation: [2024] KEELC 3885 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT THIKA
MISCELLANEOUS APPLICATION E010 OF 2024**

**BM EBOSO, J
MARCH 26, 2024**

BETWEEN

PETER NJUGUNA WARARI APPLICANT

AND

MARGARET NYAMBURA NJOROGE RESPONDENT

RULING

1. Through this Miscellaneous Application, Peter Njuguna Warari [the applicant] seeks an order staying Kiambu CMC E & L Case No 58 of 2022 pending hearing and disposal of Kiambu CMC Succession Cause No 120 of 2012. On 21/3/2024, the court directed the applicant to serve the application and attend the court today to address it on why the plea for stay should not first be prosecuted in the court seized of the proceedings that are sought to be stayed. The applicant has not attended court to address it on the above question.
2. Consequently, it is the view of the court that the proper forum where to first ventilate the plea for stay is the court seized of the proceedings sought to be stayed. In the circumstances, it is the finding of this court that this suit was brought before this court prematurely. This court is available to exercise appellate jurisdiction should the lower court fail to grant the stay order or deem it appropriate to grant the stay.
3. I will, for the above reasons, strike out this suit with no order as to costs.
4. Orders accordingly.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT THIKA ON THIS 26TH DAY OF MARCH
2024**

**B M EBOSO
JUDGE**



Court Assistant: Hinga

