



**Mburu v Kariuki (Environment and Land Appeal E012 of 2023)
[2024] KEELC 1492 (KLR) (19 March 2024) (Ruling)**

Neutral citation: [2024] KEELC 1492 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KITALE
ENVIRONMENT AND LAND APPEAL E012 OF 2023
FO NYAGAKA, J
MARCH 19, 2024**

BETWEEN

PETER MBURU APPELLANT

AND

SOLOMON KIM KARIUKI RESPONDENT

RULING

1. Before me is an Appeal under Section 79B of the *Civil Procedure Act*.
I have not seen any decree filed in terms of Order 42 Rule 2 of the *Civil Procedure Rules*, 2010. This court recalls that vide the Ruling delivered on 13/03/2024 it directed the Appellant to file, within seven (7) days a copy of the decree, in terms of Order 42 Rule 2. Order 42 requires that where the certified copy of such a document or other relevant one is not filed with the appeal, the Appellant shall file it as soon as possible and in any event within such time as the court may order. The Appellant in this case has not complied with the order.
2. That notwithstanding, I have carefully analysed the Memorandum of Appeal as required under Section 79B of the *Civil Procedure Act*, Chapter 21 Laws of Kenya. Though the decree was not presented before me, I have compared the Grounds of Appeal with Ruling or Decision of the Chairman of the Tribunal, as delivered on 27/10/2023, annexed to the Supporting Affidavit of the Appellant in the application for stay of execution on which the Ruling of 13/03/2024 was delivered by this court. I find no sufficient grounds for interfering with the decree of the Tribunal. I reject summarily the appeal filed herein, with costs to the Respondent.
3. Orders accordingly.

RULING DATED, SIGNED AND DELIVERED AT KITALE THIS 19TH DAY OF MARCH, 2024.

HON. DR. IUR FRED NYAGAKA



JUDGE, ELC, KITALE.

