



REPUBLIC OF KENYA



**Marubu & another v Munyora alias Wamunyora & 3 others (Civil Application E259 of 2023) [2023] KECA 1350 (KLR) (10 November 2023) (Ruling)**

Neutral citation: [2023] KECA 1350 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NAIROBI  
CIVIL APPLICATION E259 OF 2023  
S OLE KANTAI, F TUIYOTT & PM GACHOKA, JJA  
NOVEMBER 10, 2023**

**BETWEEN**

**ROBERT NG'ANG'A MARUBU ..... 1<sup>ST</sup> APPLICANT**

**CAROLINE MURUGI ..... 2<sup>ND</sup> APPLICANT**

**AND**

**JULIUS MBOYA MUNYORA ALIAS WAMUNYORA ..... 1<sup>ST</sup> RESPONDENT**

**GICHUKI MATHENGE ALIAS WAMOTHER ..... 2<sup>ND</sup> RESPONDENT**

**SAMUEL NJUGUNA MWANGI ..... 3<sup>RD</sup> RESPONDENT**

**IRUNGU MWANGI ..... 4<sup>TH</sup> RESPONDENT**

*(Being an application for stay of execution pending appeal from the Judgment and Decree of the Environment and Land Court of Kenya at Nairobi (Mbugua, J.) dated 27th October, 2022 in ELC Case No. 988 of 2014)*

**RULING**

1. When the motion dated May 25, 2023 came up for hearing today, learned counsel Miss Wambua appeared for the applicants while learned counsel Mr. Mwangi appeared for the respondents.
2. Counsel for the respondents who had not filed a replying affidavit or written submissions informed us that he was not opposing the application as the respondents' interest was that the intended appeal be heard and determined.
3. In the premises, we allow the Motion in terms that there will be a stay of execution of the Judgment of the Environment and Land Court pending hearing and determination of Civil Appeal No. E901 of 2022. Costs of the motion will be in the appeal.



DATED AND DELIVERED AT NAIROBI THIS 10<sup>TH</sup> DAY OF NOVEMBER, 2023.

S. OLE KANTAI

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JUDGE OF APPEAL

F. TUIYOTT

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JUDGE OF APPEAL

M. GACHOKA, CIArb, FCIArb.

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JUDGE OF APPEAL

*I certify that this is a true copy of the original*

*Signed*

**DEPUTY REGISTRAR**

