



REPUBLIC OF KENYA



KENYA LAW
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**Njeru v Ireri (Environment and Land Appeal E015 of 2022)
[2025] KEELC 3077 (KLR) (25 February 2025) (Ruling)**

Neutral citation: [2025] KEELC 3077 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT EMBU
ENVIRONMENT AND LAND APPEAL E015 OF 2022
AK BOR, J
FEBRUARY 25, 2025**

BETWEEN

JOHN NJAGI NJERU APPLICANT

AND

PATRICK RUGENDO IRERI RESPONDENT

RULING

1. What falls for determination is whether the court should stay execution of the decree which emanated from the judgment of this court delivered on 25/9/2024 pending an intended appeal as the Appellant sought in the application dated 8/11/2024. The application was made on the grounds that the Respondent intended to evict the Applicant from the suit property where he had been living for over 50 years.
2. The Applicant claimed that he had filed a Notice of Appeal and sought proceedings from this court to enable him lodge a memorandum of appeal but that these had not been supplied to him. The Applicant swore the affidavit in support of the application and exhibited copies of the Notice of Appeal, letter dated 5/10/2024 addressed to the OCS Runyenjes and the Warrants to the Court Bailiffs to give vacant possession dated 7/11/2024.
3. It is apparent from the proceedings that this court already granted the Applicant stay of execution on 20/11/2024 which was conditional upon the Appellant first depositing the sum of Kshs. 100,000/= in court as security for costs. There is no evidence that that has been done and no explanation was proffered by the Applicant for the failure to do so. In light of this, the court is not persuaded that the Applicant deserves the orders sought.
4. The court declines to grant the orders sought in the application dated 8/11/2024. The Respondent is awarded the costs of the application.

DELIVERED VIRTUALLY AT EMBU THIS 25TH DAY OF FEBRUARY 2025.



K. BOR

JUDGE

In the presence of: -

Ms. Wanjiku Kamochu for the Applicant

Mr. Momanyi Gichuki for the Respondent

