



**Ibrahim v Yelo & another (Environment and Land Appeal
012 of 2021) [2024] KEELC 4551 (KLR) (10 June 2024) (Ruling)**

Neutral citation: [2024] KEELC 4551 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO
ENVIRONMENT AND LAND APPEAL 012 OF 2021
PM NJOROGE, J
JUNE 10, 2024**

BETWEEN

MOHAMED HASSAN IBRAHIM APPELLANT

AND

HARRON YELO 1ST RESPONDENT

NAKURACHA HARO 2ND RESPONDENT

RULING

1. This application is dated 5th February, 2024 and seeks orders;
 1. This application be certified as urgent.
 2. Service be dispensed with in the first instance.
 3. That a stay of execution in Marsabit CMCC No 28 of 2018 be granted pending the hearing and determination of this application.
 4. The court be pleased to grant a stay of execution on Marsabit CMCC No 28 of 2018 pending hearing and determination of the appeal against the judgment made by the Hon. MR. T.M Wafula on the 24th of June, 2020.
 5. That the court do order that the status quo of the suit land be maintained and the defendants to stop the permanent developments they are putting up on the land pending hearing and determination of the appeal.
 6. The costs of this application be provided for.
 7. Any other order that meets the ends of justice.



1. The application is supported by the affidavit of Mohamed Hassan Ibrahim the applicant, and has the following grounds;
 1. That the Hon. Mr T.M Wafula delivered the judgment on the 24th of June, 2020 and I have since appeal lead the said judgment.
 2. That if a stay of execution is not granted substantial loss may result to the appellant as once as the respondents have embarked on putting up permanent development on the suit land while the appeal is still pending.
 3. That the appeal has a reasonable chance of success and if execution is carried out it will render the appeal nugatory.
 4. That the respondents together with one Sori Moga had encroached the appellants land and when the appellants wrote a demand notice to them the respondent refused to get out the appellants land but one Sori Mogamoved out and demolished his structures, the respondents are currently putting up a permanent structure on the appellants land where Sori Mogamoved out of.
 5. That there has been no delay in bringing this application.
2. As the appeal was dismissed on 14/2/2022, and the applicant and the advocate are not in court, I find that there is merit to dismiss this application.
 3. In the circumstances, this application is hereby dismissed.

DELIVERED IN OPEN COURT AT ISIOLO THIS 10TH DAY OF JUNE, 2024 IN THE PRESENCE OF:

Court assistant: Rahma

HON. JUSTICE P.M NJOROGE

JUDGE

