



**IN THE COURT OF APPEAL  
AT NAIROBI  
(CORAM: TUNOI, LAKHA & O'KUBASU, JJ.A.)  
CIVIL APPLICATION NO. NAI. 306 OF 2000 (147/2000 UR)**

**IN THE MATTER OF AN APPLICATION FOR LEAVE TO APPLY FOR  
JUDICIAL REVIEW AND FOR ORDERS OF MANDAMUS AND PROHIBITION**

**IN THE MATTER OF: THE CONSTITUTION OF KENYA**

**IN THE MATTER OF: THE LAND ADJUDICATION ACT, CHAPTER 284 OF THE  
LAWS OF KENYA**

**IN THE MATTER OF: THE REGISTERED LAND ACT, CHAPTER 300 OF THE  
LAWS OF KENYA**

**IN THE MATTER OF: THE REPUBLIC**

**VERSUS**

**EX-PARTE**

**DANIEL OKE KEIYUA TIEPON ..... 1ST APPLICANT**

**SAMWEL PANYAKO SAKAJA ..... 2ND APPLICANT**

**PARAOINKAN OLOLMERA ..... 3RD APPLICANT**

**OLE TUNAI KISIKO ..... 4TH APPLICANT**

**THE CHIEF LAND REGISTRAR ..... 1ST RESPONDENT**

**THE DIRECTOR OF LAND ADJUDICATION & SETTLEMENT.....2ND  
RESPONDENT**

**THE DISTRICT LAND REGISTRAR, TRANS-MARA DISTRICT.....3RD  
RESPONDENT**

**AND**

**LOLEINGABWAL**

**WILLIAM PARSHOYIO PUYA**

**MICHAEL OLODIRR SEME**

**(Application from the Judgment of the High Court of Kenya at  
Nairobi (Hon. Lady Justice Ang'awa) dated 20th July, 2000**

**in**

**H.C.MISC.CIVIL CASE NO. 1680 OF 1999)**

**\*\*\*\*\***

**RULING OF THE COURT**

This is an application seeking a stay, under *rule 5(2)(b)* of the Rules of this Court, of a decision of the superior court given on 30 July 1999. The grounds on which a stay may be granted are now well settled: First, the applicant must satisfy us that the intended appeal is arguable. The only complaint urged before us is that the applicant was not granted an opportunity to be heard. But this is not so. It is clear to us that the applicant was given an opportunity but the applicant did not avail himself of this opportunity. The learned judge was plainly right and we are not persuaded that the intended appeal is arguable. Secondly, the applicant must show that unless restrained the appeal would be rendered nugatory. This the applicant has not shown. In our judgment, therefore the application fails and is dismissed with costs.

**Dated and delivered at Nairobi this 6th day of December, 2000.**

**P.K. TUNOI**

.....

**JUDGE OF APPEAL**

**A.A. LAKHA**

.....

**JUDGE OF APPEAL**

**E. O'KUBASU**

.....

**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**