



**Laban & another v Francis (Environment and Land Appeal
E020 of 2024) [2024] KEELC 5546 (KLR) (17 July 2024) (Ruling)**

Neutral citation: [2024] KEELC 5546 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MERU
ENVIRONMENT AND LAND APPEAL E020 OF 2024**

**CK NZILI, J
JULY 17, 2024**

BETWEEN

OBADIAH MWITI LABAN 1ST APPELLANT

AMARY RIMAA M'MUGAMBI 2ND APPELLANT

AND

CAROLINE NDUMBA FRANCIS RESPONDENT

RULING

1. On 6.6.2024, this court granted a stay of execution subject to the original title deed being deposited to the court within 14 days; otherwise, the orders would lapse.
2. By an application dated 19.6.2024, the applicant seeks an extension of time to comply, review, or vary the orders made on 6.6.2024, by substituting the security by way of depositing money. The reasons given are that the original title deed is held by the land registrar Meru Central, who has refused to release it under the guise of a caution registered by the respondent. The applicant blames the delay in extracting the order since the court file was not available for eight days after the delivery of the ruling until 12.6.2024.
3. The record of the court shows that the ruling was delivered in the presence of Mr. Muthomi, advocate for the applicant, and Mr. Mawira, holding a brief for C.P Mbaabu for the respondent. So, the applicant knew of the terms and consequences of not complying with the terms of the stay orders. The applicant had, in the application dated 18.3.2024, offered security for due performance of the decree in paragraph 9 of the supporting affidavit.
4. The applicant had not expressly stated that her title deed was inhibited or non-available. An order could have been uploaded to the system without waiting for the physical file, as this is the essence of e-filing and e-service.



5. There is no evidence that the applicant put in motion the filing of the draft immediately after the ruling was delivered and asked for the signature of the same. There is no communication uploaded that the applicant sought for the fast-tracking of the issuance of the formal order through the Deputy Registrar on time or at all.
6. In my view, therefore, I find no basis to review the earlier timelines. Extension of time is not a matter of right. See *Nicholas Kiptoo Arap Korir Salat vs Independence Electoral and Boundary Commission & 7 others* (2014) eKLR. There is no basis said why the applicant was indolent. Court orders are not made in vain. The application is dismissed with costs.

DATED, SIGNED, AND DELIVERED VIA MICROSOFT TEAMS/OPEN COURT AT MERU ON THIS 17TH DAY OF JULY, 2024

HON. C K NZILI

JUDGE

In presence of;

C.A Kananu/Mukami

Applicant

Muthomi for applicant

Mawira for respondent

