



REPUBLIC OF KENYA



**KENYA LAW**  
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**Nyangena v Wanjohi & 3 others (Environment & Land Case  
253B of 2015) [2024] KEELC 5902 (KLR) (18 September 2024) (Ruling)**

Neutral citation: [2024] KEELC 5902 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAKURU  
ENVIRONMENT & LAND CASE 253B OF 2015  
MAO ODENY, J  
SEPTEMBER 18, 2024**

**BETWEEN**

**JUDITH KWAMBOKA NYANGENA ..... PLAINTIFF**

**AND**

**ISAAC NJUHIGU WANJOHI ..... 1<sup>ST</sup> DEFENDANT**

**ZIPPORAH WANGARI WANJOHI ..... 2<sup>ND</sup> DEFENDANT**

**SARAH MUTUA ..... 3<sup>RD</sup> DEFENDANT**

**LAND REGISTRAR NAKURU COUNTY ..... 4<sup>TH</sup> DEFENDANT**

**RULING**

1. This ruling is in respect of a Notice of Motion dated July 28, 2023 by the applicant seeking the following orders:
  - a. Spent.
  - b. Spent.
  - c. The Honourable court be pleased to make an order that all proceedings in respect of the instant matter including taxation of party and party bill costs dated 12<sup>th</sup> day of July, 2023 stated for 3<sup>rd</sup> day of August, 2023 be stayed pending the hearing and determination of ELCA No. E032 of 2023.
  - d. Costs of the instant notice of motion do abide the cause.
2. The court notes that the Applicant filed a Notice of Motion dated 1<sup>st</sup> February 2023 seeking the following orders:
  - a. Spent



- b. That this Honourable Court be pleased to grant stay of execution of the Judgment delivered on 19<sup>th</sup> January 2023 and decree pending inter partes hearing and determination of this application.
  - c. That this Honourable Court be pleased to grant stay of execution of the Judgment delivered on 19<sup>th</sup> January 2023 and decree pending the hearing and determination of the intended appeal preferred therefrom.
  - d. That costs of this application be provided for.
3. This application was heard and determined vide a ruling dated 23<sup>rd</sup> February 2023 where the court allowed the application as prayed with an order that the Applicant files the record of appeal within 30 days failure to which the stay lapses.
  4. The applicant has now filed the current application for stay of proceedings which essentially is spent as when a court grants a stay of execution, it stops any further processes that may lead to execution of the decree including taxation.
  5. From the foregoing. I will not belabor dealing with the principles of stay of proceedings as an order of stay of execution had already been granted by this court. The upshot is that the application is dismissed with costs.

**DATED, SIGNED AND DELIVERED AT NAKURU THIS 18<sup>TH</sup> DAY OF SEPTEMBER 2024.**

**M. A. ODENY**

**JUDGE**

