



**Omoro v Ochura (Environment and Land Appeal E026 of 2024)
[2024] KEELC 14201 (KLR) (18 September 2024) (Ruling)**

Neutral citation: [2024] KEELC 14201 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT AND LAND APPEAL E026 OF 2024
GMA ONGONDO, J
SEPTEMBER 18, 2024**

BETWEEN

SAMUEL OTIENO OMORO APPELLANT

AND

TOM MBOYA OCHURA RESPONDENT

RULING

1. By a Notice of Motion dated 6th August 2024, the appellant/applicant through G.S Okoth and Company Advocates, is seeking the principal order of stay of execution of judgement and decree in Oyugis Senior Principal Magistrate’s Court Environment and Land Case No. E062 of 2022 pending the hearing and determination of this appeal.
2. Mr. G.S Okoth for the applicant has urged the court to grant the principal order with no order as to costs. He has prayed that the record of appeal be filed and served within the next 30 days from this date.
3. Ms. H. Kisaka learned counsel for the respondent has no opposition to the principal order sought in the application.
4. In that regard, it is common ground that the applicant is deserving the principal order sought in the application. He has an undoubted right of appeal herein as noted in *Butt v Rent Restriction Tribunal* (1979) eKLR.
5. Accordingly, it is the finding of this court that the principal order is merited. The same is hereby allowed with costs to abide the outcome of this appeal.
6. The applicants counsel to file and serve record of appeal not later than 23rd October 2024 for directions.
7. It is so ordered.

RULING DELIVERED, DATED AND SIGNED THIS 18TH DAY OF SEPTEMBER 2024.



G.M.A ONG'ONDO

JUDGE.

Present.

Mr. G.S Okoth Learned Counsel for applicant.

Ms. H Kisaka, Learned Counsel for the Respondent.

T. Luanga, Court Assistant.

