



**Tengeya (Suing as Legal Representative of the Estate of the Late Robert Tengeya Sika) v Obare & 4 others (Environment & Land Case E008 of 2023) [2024] KEELC 14094 (KLR) (18 December 2024) (Ruling)**

Neutral citation: [2024] KEELC 14094 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NYAMIRA  
ENVIRONMENT & LAND CASE E008 OF 2023  
JM KAMAU, J  
DECEMBER 18, 2024**

**BETWEEN**

**TRUDLE KWAMBOKA TENGEYA ..... PLAINTIFF  
SUING AS LEGAL REPRESENTATIVE OF THE ESTATE OF THE LATE  
ROBERT TENGEYA SIKA**

**AND**

**ROBERT NDATI OBARE ..... 1<sup>ST</sup> DEFENDANT  
THE HON ATTORNEY GENERAL ..... 2<sup>ND</sup> DEFENDANT  
COUNTY LAND REGISTRAR, NYAMIRA ..... 3<sup>RD</sup> DEFENDANT  
COUNT LAND SURVEYOR, NYAMIRA ..... 4<sup>TH</sup> DEFENDANT  
DEPUTY COUNTY COMMISSIONER, BORABU COUNTY . 5<sup>TH</sup> DEFENDANT**

**RULING**

1. Having been dissatisfied with the Judgment of this Court read and delivered on 31/10/2024 the 1<sup>st</sup> Defendant did notify this Court that he intends to appeal against the whole of the said Judgement to the Court of Appeal by filing a Notice of Appeal dated 11/11/2024. Subsequently, on 13/11/2024 he filed an Application under a certificate of urgency seeking this Court’s order of stay of its aforesaid Judgment pending the Hearing and determination of the Intended Appeal. The main ground of the said Application is that the Land Registrar, Nyamira has issued a letter of intention to cancel his Title and sub-divide the suit land in execution of the Court Decree which would cause the Applicant irreparable loss and the Intended Appeal would be rendered nugatory. In his Replying Affidavit sworn on 15/11/2024, the Decree Holder deponed that the Application is calculated to derail the execution of the Decree. But more so that the Application has already been overtaken by events since the Title Deed in issue has already been canceled and asks this court to dismiss the Application. He attached a



copy of the Certificate of Search in respect of KITARU SETTLEMENT SCHEME/94 showing it to be in the name of the Decree Holder with effect from 6/11/2024. In order not to make the Intended Appeal an academic exercise, I order that there be a stay of any further transfer of the suit land, charge or any further change of ownership other than the transfer that has so far been effected until further orders of the Court of Appeal once the Intended Appeal is filed.

**RULING DATED, SIGNED AND DELIVERED AT NYAMIRA THIS 18TH DAY OF DECEMBER, 2024.**

**MUGO KAMAU**

**JUDGE**

In the Presence of:

Court Assistant: Brenda

Plaintiff's Counsel: Mr. Ochoki

Defendants' Counsel: Mr. Masese for the 1<sup>st</sup> Defendant

