



REPUBLIC OF KENYA



KENYA LAW
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**Ibrahim v Bagajo & 2 others (Environment & Land Case 7 of 2022)
[2023] KEELC 20887 (KLR) (23 October 2023) (Ruling)**

Neutral citation: [2023] KEELC 20887 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO
ENVIRONMENT & LAND CASE 7 OF 2022
PM NJOROGE, J
OCTOBER 23, 2023**

BETWEEN

ABDULLAHI ABDI IBRAHIM PLAINTIFF

AND

HASSAN BAGAJO 1ST DEFENDANT

HUSSEIN BORU 2ND DEFENDANT

LATU SELF GROUP 3RD DEFENDANT

RULING

1. This application is dated 23/12/2022. It seeks orders that:
 - i. This application be certified as urgent and the same be heard ex-parte in the first instance.
 - ii. This Honourable Court be pleased to issue An Order of Injunction restraining the Plaintiff jointly and severally by himself, his agents, servants and/or employees from interfering with the Applicants' quiet possession and from trespassing on the suit property known as Plot Number Chechelesi/Isi/117/95/9 pending the inter-parties hearing and determination of application.
 - iii. This Honourable Court be pleased to issue An Order Of Injunction restraining the Plaintiff jointly and severally by himself, his agents, servants and/or employees from interfering with the Applicants' quiet possession and from trespassing on the suit property known as Plot Number Chechelesi/Isi/117/95/9 pending the inter-parties hearing and determination of the main suit.
 - iv. The costs of this application be borne by the Respondent.
 - v. The Honourable Court be pleased to make such further or other orders as it may deem just and expedient in the circumstances of this case.



2. The application is supported by the affidavit of Hassan Bagajoi, the 1st defendant, and has the following grounds;
 1. That the 3rd Applicant is the absolute proprietor of a parcel of land known as Plot Number Chechelesi/Isi/117/95/9.
 2. That the Respondents have without any justifiable and lawful cause and/or colour of right trespassed on the Applicant's property and have since tried to unlawfully and forcefully take possession of the parcel of land.
 3. That the said trespass was done in total disregard of the Applicant's proprietary interest in the property.
 4. That the applicant stands to suffer irreparable damage if the orders sought are not granted.
 5. That no prejudice will be occasioned to the respondents if the orders sought are granted.
3. On 19/6/2023, the parties were ordered to file their submissions within stipulated times.
4. When the matter came up for mention to confirm filing of submissions and for issuance of further directions on 23/10/2023, none of the parties had filed their submissions.
5. It is noted that this application had been brought to court by the applicant through a certificate of Urgency. It is clear that the applicant has not evinced any urgency in the matter. As the parties ignored the court orders issued on 19/6/2023, I issue the following orders;
 - a. This application is hereby dismissed.
 - b. Costs shall be in the cause.
 - c. Parties will come to court for further directions on 20/11/2023.
 - d. Applicant to serve the orders issued by the court today upon the defendants within 10 days of today.

DELIVERED IN OPEN COURT AT ISIOLO THIS 23RD DAY OF OCTOBER, 2023 IN THE PRESENCE OF:

Court Assistant: Rahma/Balozi

Ms Nyasani holding brief for Wario Minishi for the Respondent.

HON. JUSTICE P.M NJOROGE

JUDGE

