



**Wanyoike & another (Suing as legal representatives of Estate of Paul Gatete) v Gatete
(Sued as the administrator of the Estate of Ruth Wanjiku Gatete) (Environment
& Land Case E007 of 2022) [2025] KEELC 3131 (KLR) (4 April 2025) (Ruling)**

Neutral citation: [2025] KEELC 3131 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAKURU
ENVIRONMENT & LAND CASE E007 OF 2022
A OMBWAYO, J
APRIL 4, 2025**

BETWEEN

ESTHER NYAMBURA WANYOIKE 1ST PLAINTIFF

DORCAS NJERI MAINA 2ND PLAINTIFF

SUING AS LEGAL REPRESENTATIVES OF ESTATE OF PAUL GATETE

AND

FAITH NYAMBURA GATETE DEFENDANT

**SUED AS THE ADMINISTRATOR OF THE ESTATE OF RUTH WANJIKU
GATETE**

RULING

1. This matter is scheduled for further hearing of the main suit on 29th May 2025. The plaintiff has come to the court under certificate of urgency seeking orders that pending hearing and determination of this suit, the Honorable court be pleased to issue a temporary injunction restraining the defendants/respondents from further construction of any structure or dropping new building materials on land parcel No.Nakuru Municipality Block 10/43. The applicant states that the respondents have embarked on constructing on the suit property despite the pendency of this matter before this court. The applicants have annexed photos allegedly showing that the respondent have embarked on construction on the property. The respondents have denied the allegation of construction on the suit property.
2. I have looked at the photographic evidence annexed by the applicants in the supporting affidavit and do not see any evidence of construction being done in the suit premises by the respondents. I do not see any evidence of wastage of the property by the respondents. I do find that the applicants have not established a prima facie case for grant of an interlocutory injunction. Moreover, there is no evidence



that the applicant will suffer irreparable loss if injunction is not granted. Furthermore, the applicants have not demonstrated that they cannot be compensated in damages if they succeed in their case. The balance of convenience tilts towards dismissing the application for injunction as the applicants have not demonstrated that if the orders sought are not granted the applicant will suffer any inconvenience. Application is not merited and is dismissed with costs.

SIGNED BY: HON. JUSTICE ANTONY O. OMBWAYO

NAKURU ENVIRONMENT AND LAND COURT

ENVIRONMENT AND LAND COURT

DATE: 2025-04-04

