



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**

**Civil Case 69 of 2009**

**HATIMY GROUP.....PLAINTIFF**

**VERSUS**

**DZOMBO MWAGAMBO & 13 OTHERS.....DEFENDANTS**

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**RULING**

This is the Chamber Summons dated 4<sup>th</sup> April 2007 by which the Plaintiff/Applicants seek various orders as against the Defendant/Respondent with respect to Plot Nos. 203, 204, 967 and 222/I/MN Kisauni Mombasa (hereinafter called the suit premises). I have listened to and have carefully considered the submissions of Mr. Kinyua for the Plaintiff/Applicants and Mr. Kenga for the Defendant/Respondent. I have also perused and considered the relevant annexures. It is quite clear that both parties are agreed that the suit premises be preserved pending a full hearing and determination of the suit. As a court I do agree that this is the most just and prudent course of action in the circumstances. It is my view that the status quo ought to be preserved in the meantime and for this reason I decline to grant prayer (d) of the application which seeks the demolition of any structures, buildings or houses on the suit premises. I therefore allow this application in terms of prayers (b) and (c) thereof. Costs in the cause.

**Dated and delivered at Mombasa this 28<sup>th</sup> day of July 2009.**

**M. ODERO**

**JUDGE**

Read in open court in the presence of:

Mr. Wachira holding brief for Mr. Kinyua for Applicants

Mr. Mbuya holding brief for Mr. Okanga for Respondent

**M. ODERO**

**JUDGE**

**28.7.2009**