



**Jattani v Jattani (Environment and Land Appeal 009 of 2023)
[2024] KEELC 1095 (KLR) (4 March 2024) (Ruling)**

Neutral citation: [2024] KEELC 1095 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO
ENVIRONMENT AND LAND APPEAL 009 OF 2023
PM NJOROGE, J
MARCH 4, 2024**

BETWEEN

ABDI GUYO JATTANI APPELLANT

AND

GUYO JATTANI RESPONDENT

RULING

1. This application is dated 14/12/2023 and seeks orders that;
 - a. That this application be certified as urgent and service thereof be dispensed with in the first instance.
 - b. That there be a stay of execution of the orders issued on 4th December, 2023 pending the hearing and determination of the application herein.
 - c. That this Honourable Court be pleased to set aside and/or review the ruling issued on 4th December, 2023 to allow the Respondent/Applicant to collect rental income from the shops erected on Plot 212 only.
2. On 4/3/2023, the parties asked the court to adopt a consent which is in the following terms;

Re: Isiolo ELC Appeal No E009 of 2023
Adbi Guyo Jattani v Guyo Jattani

 1. That the Applicant (in the application) and the Respondent in the main Appeal be and is hereby allowed to collect, receive, draw and or access rental proceeds of Kenya Shillings Fifteen Thousand (Kshs 15,000.00) on arising from Plot No 212 Moyale Township save for the proceeds held by Safaricom (K) Limited.



2. The remainder/balance of the rental proceeds collected/drawn or received monthly by the Applicant from Plot No 212 Moyale Township save for proceeds held by Safaricom (K) Limited be henceforth deposited on a monthly basis in a joint earning interest bank account to be opened and operated in the joint names of M/S Mwirigi & Nzomo Co. Advocates and M/S Ndubi Ondubi & Associates for the Respondent), pending hearing and determination of the main appeal and or further Orders by the Honourable Court.
 3. That upon filing of this consent, the application dated 14th December, 2023 be and is hereby marked as settled with no Orders as to costs.
 4. That the matter be mentioned on 4th March, 2024 as earlier scheduled but for the purpose of the Honourable Court giving further directions including but not necessarily limited to directions on filing of the record of appeal and hearing of the appeal on a priority basis.
3. This consent is adopted as an order of this court.
 4. The intended appellant is granted 21 days to file and serve the apposite record of Appeal.
 5. The parties will come to court for directions on 6/5/2024.

DELIVERED IN OPEN COURT AT ISIOLO THIS 4TH DAY OF MARCH, 2024 IN THE PRESENCE OF:

Court assistant: Balozi/Rahma

Miss Nyasani for the Appellant.

Miss Kerubo for the Respondent.

HON. JUSTICE P.M NJOROGE

JUDGE

