



Kenyansa v Naftal Kenyansa Onchieku (Environment & Land Case 41 of 2021) [2024] KEELC 5752 (KLR) (10 July 2024) (Ruling)

Neutral citation: [2024] KEELC 5752 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NYAMIRA
ENVIRONMENT & LAND CASE 41 OF 2021**

JM KAMAU, J

JULY 10, 2024

BETWEEN

EVANS ORESI KENYANSA PLAINTIFF

AND

NAFTAL KENYANSA ONCHIEKU DEFENDANT

RULING

1. Before me is an Application dated 13/5/2024 by way of Notice of Motion. The Applicants seek for an order of temporary injunction restraining the Defendants and/or anyone going by their Title from entering, trespassing or constructing on and/or wasting the parcel of land known as GESIMA SETTLEMENT SCHEME/1461 and 1462 pending the hearing and determination of this suit. They also seek that the orders, if granted, be supervised by the Officer Commanding Manga Police Station. The grounds upon which they anchor their Application are that the said parcels of land are registered in their names respectively being sub-divisions of GESIMA SETTLEMENT SCHEME/456 belonging to their late father, Naftal Kenyansa Onchieku by way of transmission. Their said father died on 15/8/2022. The Respondents on the other hand claim through a Replying Affidavit of Evans Oresi Kenyansa to have bought the 2 parcels of land from the late Naftal Kenyansa Onchieku from the Deceased. They also claim that no construction is going on the suit parcel of land nor is there any excavation thereon. They also claim that they have not trespassed on the suit land and that the Applicants cannot attest to this since they do not stay on the suit lands.

2. This being the case, there is no objection to the Application and the same is therefore granted as prayed.

RULING DATED, SIGNED AND DELIVERED AT NYAMIRA THIS 10TH DAY OF JULY, 2024.

MUGO KAMAU

JUDGE

In the Presence of: -



Court Assistant: Brenda

Applicants' Counsel: Mr. Magara

Defendant's Counsel: Ms. Moeche holding brief for Mr. Ochwangi

