



**Woche (Suing as the Legal Administrator of the Estate of Woche Imala – Deceased)  
v Senior Resident Magistrate’S Court Moyale & another (Environment and Land  
Judicial Review Case E001 of 2023) [2024] KEELC 4970 (KLR) (1 July 2024) (Ruling)**

Neutral citation: [2024] KEELC 4970 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO  
ENVIRONMENT AND LAND JUDICIAL REVIEW CASE E001 OF 2023**

**PM NJOROGE, J**

**JULY 1, 2024**

**BETWEEN**

**ABI WOCHÉ (SUING AS THE LEGAL ADMINISTRATOR OF THE ESTATE OF  
WOCHÉ IMALA – DECEASED) ..... APPELLANT**

**AND**

**THE SENIOR RESIDENT MAGISTRATE’S COURT MOYALE .... 1<sup>ST</sup>  
RESPONDENT**

**ADAN CHULA SODE ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. This application is dated 22/5/2024 and seeks orders; -
  - a. That this application be certified as urgent, service thereof be dispensed with and the same be heard ex-parte in the first instant.
  - b. That an order of injunction do issue restraining the Interested Party/2<sup>nd</sup> Respondent, his agents, servants and all and any persons acting/claiming through or in the name of the Interested Party/2<sup>nd</sup> Respondent from proceedings to lease, occupy, collect rent and or revenue, alter, alienate and or transfer of (sic) Farm No. 341 pending hearing and determination of this application.
  - c. That an order of injunction do issue restraining the Interested Party/2<sup>nd</sup> Respondent, his agents, servants and all and any persons acting/claiming through or in the name of the Interested Party/2<sup>nd</sup> Respondent from proceedings to lease, occupy, collect rent and or revenue, alter, alienate and or transfer of Farm No. 341 pending hearing and determination of the Judicial Review Application filed herein.



- d. That the Officer Commanding Police Station Moyale do assist in the implementation of the orders herein as against the Respondent.
  - e. That this Honourable Court do award any other orders it may deem just, fit and expedient to award in the interests of justice.
  - f. That the costs of this application be provided for.
2. The application is supported by the affidavit of the applicant and by the grounds on its face.
  3. The prayer for injunction on interim basis by advocate Caleb Mwiti, holding brief for Mr. Mabeya for the applicant, is denied as the impugned judgment was delivered 15 years ago. That application for injunction on interim basis will await full canvassing of the application.
  4. Parties will come to court for directions on 7/10/2024.
  5. Costs shall be on the cause.

**DELIVERED IN OPEN COURT AT ISIOLO THIS 1<sup>ST</sup> DAY OF JULY, 2024 IN THE PRESENCE OF:**

Court Assistant: Balozi/Rahma

Caleb Mwiti holding brief for Mabeya for the Applicant.

Behariu for the Interested Party/2<sup>nd</sup> Respondent.

**HON. JUSTICE P.M NJOROGE**

**JUDGE**

