



**Mbote (Suing Through his Attorney Faith Wanjiru Mbote) v Barugu (Environment & Land Case E026 of 2023) [2023] KEELC 18830 (KLR) (11 July 2023) (Ruling)**

Neutral citation: [2023] KEELC 18830 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAKURU  
ENVIRONMENT & LAND CASE E026 OF 2023**

**A OMBWAYO, J  
JULY 11, 2023**

**BETWEEN**

**JOHN GATHU MBOTE (SUING THROUGH HIS ATTORNEY FAITH  
WANJIRU MBOTE) ..... PLAINTIFF**

**AND**

**DANIEL BARUGU ..... DEFENDANT**

**RULING**

1. I have considered the application dated 3<sup>rd</sup> April 2023 wherein the applicant is seeking order that pending the hearing and determination of this suit this honorable court be pleased to issue a temporary injunction restraining the defendant, respondent, his employees servants and or agents from further dealing subdividing, leasing, selling charging entering and transferring the plaintiff's land known as Dundori/Lanet Block5/303 Kiamunyeki measuring approximately 0.9850 Ha. The respondent replied to the application on April 28, 2023. Both parties are not opposed to an order of status quo. The plaintiffs in the plaint prays for a permanent injunction restraining the defendant from any further dealing, subdividing, leasing, selling charging or entering into the suit land and a declaration that he is the bonafide owner. He further pray for a declaration that the certificate was illegally issued and cancelled.
2. I have considered the lengthy and reasoned submissions on both sides and do find that this is a case that should be fast-tracked with the preservation of the status quo on the ground and the register and I do make orders in terms that the County Land Registrar Nakuru to be restrained from interfering with the status of the register of the suit property known as Dundori/Lanet Block5/303 Kiamunyeki measuring approximately 0.9850 Ha. Until hearing and determination of the suit. Moreover, the *status quo* to be maintained on the ground, thus no selling subdivision, charging of the property until the suit is heard and determined.

Ruling dated, signed and delivered virtually at Nakuru this 11<sup>th</sup> day of July 2023.



**A O OMBWAYO**  
**JUDGE**

