



REPUBLIC OF KENYA



**Somoni v Muangi & 3 others (Environment & Land Case E343 of 2022)
[2023] KEELC 20766 (KLR) (12 October 2023) (Ruling)**

Neutral citation: [2023] KEELC 20766 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE E343 OF 2022
LN MBUGUA, J
OCTOBER 12, 2023**

BETWEEN

JOYCE BOSIBORI SOMONI PLAINTIFF

AND

SAMMY MUSILI MUANGI 1ST DEFENDANT

AGENCIES LIMITED 2ND DEFENDANT

WINFRED KANINI MBONDO 3RD DEFENDANT

THE CHIEF LAND REGISTRAR 4TH DEFENDANT

RULING

1. This ruling relates to the application for stay of this courts ruling delivered on July 27, 2023 made by counsel for the defendants (1st – 3rd) pending the hearing and determination of their application dated August 14, 2023.
2. The gist of the oral application is that it would be unjust for the applicants to be denied their income at the interlocutory stage, yet this is their only source of income.
3. A perusal of the defence of the applicants particularly paragraph 6-11 gives a sneak preview. In essence, the rights and interests of the defendants in the suit properties are disputed. That being the case, then and pursuant to the provisions of clause 28 (j) of the practice Directions of 25.7.2014 gazette notice No. 5178), the court ought to give orders which meets the ends of justice.
4. As at now, justice demands that none of the protagonists should have leverage over the other in so far as enjoyment of the rights and interests in the suit properties are concerned.
5. I therefore decline to grant any stay of the court’s ruling of July 27, 2023.



**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 12TH DAY OF OCTOBER, 2023
THROUGH MICROSOFT TEAMS.**

LUCY N. MBUGUA

JUDGE

In the presence of:

Nzakyo for Applicant in Application of 14.8.2023

Nzakyo and Mr. Muthama for 1st – 3rd Defendants

Allan Kamau for the Land Registrar

