



**Awandu v Odindo & another (Environment & Land Case
E003 of 2022) [2022] KEELC 3147 (KLR) (2 June 2022) (Ruling)**

Neutral citation: [2022] KEELC 3147 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT SIAYA
ENVIRONMENT & LAND CASE E003 OF 2022**

AY KOROSS, J

JUNE 2, 2022

BETWEEN

JAMES ERICK OUMA AWANDU PLAINTIFF

AND

ELISHA OTIENO ODINDO 1ST DEFENDANT

CHRISTINE AWINO OMAMO 2ND DEFENDANT

RULING

1. As the owner of North Gem/Malunga/1151 (“the suit property”), the plaintiff who was then acting in person filed a suit against the defendants. He claimed that the defendants had trespassed on his land, cut down trees and generally destroyed the suit property. In his plaint dated 04/02/2022, the plaintiff prayed for an injunction restraining the defendants, their agents and their servants from entering into, cutting down trees, making bricks or in any way interfering with the plaintiff’s suit property, special damages, interest thereon and costs of the suit.
2. Contemporaneously with the plaint, the plaintiff filed the instant motion dated 04/02/2022 which is the subject of this ruling.
3. The Motion was brought within the provisions of section 3A of the *Civil Procedure Act* and order 39 rule 1, 2, 2A (1) and 3 of the *Civil Procedure Rules*. The plaintiff sought a temporary injunction pending hearing and determination of the motion. He did not seek any orders of temporary injunction pending the hearing and determination of the suit.
4. When this matter came before court on 22/02/2022, the defendants counsel Mr. Korongo informed court that the plaintiff could be granted what he termed as “stay orders” and sought for a date for hearing of the main suit.



5. The plaintiff informed court that he was in occupation of the suit property. The court issued orders of status quo pending the hearing and determination of the main suit and directed parties to appear before the Deputy Registrar for pretrial directions and issued certain timelines for them to comply with order 11 of the *Civil Procedure Rules*.
6. Directions were issued and when the matter appeared before me on 4/5/2022 and probably unaware that of the orders earlier issued, Olel, Onyango, Ingutia Advocates LLP who had since been instructed to come on record for the plaintiff sought for a ruling date of the purported pending motion.
7. As the court was penning down its ruling, it came to its attention that the motion was spent and thus there is nothing left for it to determine.
8. Having taken pretrial directions, the parties shall appear before me on 21/09/2022 for purposes of taking a hearing date of the main suit.
9. It is so ordered.

DELIVERED AND DATED AT SIAYA THIS 2ND DAY OF JUNE 2022.

HON. A. Y. KOROSS

JUDGE

2/6/2022

Ruling delivered virtually through Microsoft Teams Video Conferencing Platform in the Presence of:

N/A for the parties

Court assistant: Ishmael Orwa

