

COPY

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CIVIL CASE NO. 120 OF 2013

SAMUEL NGUGI CHEGE & 59 OTHERSPLAINTIFFS

- VERSUS-

1. ALI SAID MOHAMED

2. SOUD SAID MOHAMED DEFENDANTS

RULING

[1] I have perused the Notice of Motion dated 4th June, 2013 by the applicants, their supporting affidavit and annexures. I have equally perused the replying affidavit by the respondents and annexures. Further I have considered the submissions set forth by their respective counsels. I am not convinced that the applicants herein meet the threshold of *Geilla & Cassman Brown1*. I however note that the applicants live on the disputed land(s). That there has been attempts to pay land rent to the respondents and even attempts to sell to the applicants leasehold interests to the applicants by the respondents. It will be important to protect the interests of the applicants, whatever their interests may be, pending the hearing of the suit filed herein. For that reason I shall order that the status quo pertaining at the date thereof be maintained until this suit is heard and determined.

It is so ordered.

Dated and delivered in open court at Mombasa this 5th day of June, 2014.

S. MUKUNYA

JUDGE

In the presence of:

Miss. Tsuma Advocate for Mr. Mutubia Advocate for defendant/respondent

Mr. Waithera Advocate for Mr. Aziz Advocate for plaintiff.
