



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT
AT KITALE
LAND CASE NO. 11 OF 2016

FRED JUMA NYONGESA.....1ST PLAINTIFF

MOSES ABALLO.....2ND PLAINTIFF

VERSUS

MOSES KIPSANG ROTICH.....DEFENDANT

RULING

The Application

1. The application dated **10/11/2020** and filed in court on **13/11/2020** has been brought under **Section 1A, 1B, 3 & 63(e)** of the **Civil Procedure Act** and **Order 12 Rules 1, Order 22 Rule 22** and **51 Rule 1** of the **Civil Procedure Rules**. The plaintiffs seek the following orders:-

(a) ...spent

(b) That pending hearing and determination of this application there be a temporary stay of attachment and sale of the applicant's proclaimed properties listed in the schedule of moveable property dated 6/10/2020 by Igare Auctioneers.

(c) Costs be in the cause.

2. The application is supported by the affidavit of the 2nd defendant sworn on **10/11/2020**. The grounds upon which the said application is made are that the applicant's moveable assets have been proclaimed and are due for attachment and sale; that the applicant is ready and willing to settle the taxed costs in instalments of **Kshs.10,000/=** and that the application is made in good faith.

The Response

3. I have perused the record and found no response to the application dated **10/11/2020**.

Submissions

4. Parties also appear to have filed no submissions as there are none on the record.

Determination

5. Having perused the application dated **10/11/20** I find that there is no substantive prayer for any substantive relief and on that ground I hereby strike it out with no orders as to costs.

It is so ordered.

Dated, signed and delivered at Kitale via electronic mail on this 17th day of December, 2020.

MWANGI NJORGE

JUDGE, ELC, KITALE.