



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT KITALE**

**LAND CASE NO. 54 OF 1999**

**AZIZ NDAMWE WAKOLI.....PLAINTIFF**

**VERSUS**

**EDITH NAFULA MUKONAMBI.....1<sup>ST</sup> DEFENDANT**

**HABIB SALIM NDAMWE.....2<sup>ND</sup> DEFENDANT**

**(Sued as Legal Representative of the Estate of SALIM NDAMWE**

**MARY PTIKENY.....3<sup>RD</sup> DEFENDANT**

**SAMSON N. LOKURUSA.....4<sup>TH</sup> DEFENDANT**

**REUBEN K. CHEPKWONY.....5<sup>TH</sup> DEFENDANT**

**JACKSON PLIMO NGOLEKONG.....6<sup>TH</sup> DEFENDANT**

**THOMAS LOKEER.....7<sup>TH</sup> DEFENDANT**

**JACKSON PARNG'ETING MUNOKI.....8<sup>TH</sup> DEFENDANT**

**PETERO MNANGAT.....9<sup>TH</sup> DEFENDANT**

**JULIUS C. KORINGURA.....10<sup>TH</sup> DEFENDANT**

**RULING**

**1. The application dated 21/10/2020 and filed in court on 22/10/2020, has been brought under Section 1,1A, 1B, 3, 3A and 63(e) of the Civil Procedure Act and Order 8 Rules 3, 5 and 7, Order 40 Rule 1 and 3 and Order 51 Rule 1 of the Civil Procedure Rules, Article 159 of the Constitution of Kenya. The plaintiff seeks the following orders:-**

**(a) ...spent**

**(b) ...spent**

**(c) The defendants/respondents and/or their agents and/or servants and/or employees and/or anyone acting under their authority and/or instructions and also all the proposed defendants/respondents and/or their agents and/or servants and/or employees and/or anyone acting under their authority and/or instructions be and are hereby restrained by means of temporary injunction from selling and/or charging and/or subdividing and/or constructing anything and/or developing and/or doing anything against the interest of the plaintiff/applicant and/or change the character of the case and/or the suit land known as pending the hearing and final determination of the main suit.**

**(b) The costs be provided for.**

2. The application is supported by the affidavits sworn by the plaintiff on **21/10/2020**.

3. The court granted the parties a hearing date, that is **17/11/2020** but neither the applicants nor the respondents appeared before court. Since the application is unopposed, I hereby grant it in terms of **prayer No. 3**.

It is so ordered.

**Dated, signed and delivered at Kitale via electronic mail on this 1<sup>st</sup> day of December, 2020.**

**MWANGI NJORGE**

**JUDGE, ELC, KITALE**