



**Vincencia v Nassoro & another (Land Case E075 of 2024)
[2025] KEELC 6284 (KLR) (25 September 2025) (Ruling)**

Neutral citation: [2025] KEELC 6284 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MOMBASA
LAND CASE E075 OF 2024
JO OLOLA, J
SEPTEMBER 25, 2025**

BETWEEN

OMBOK AKINYI VINCENCIA PLAINTIFF

AND

BINTI HAMISI NASSORO 1ST DEFENDANT

NOAH AARON MWANGI 2ND DEFENDANT

RULING

1. By the Notice of Motion dated 29th August 2024, Ombok Akinyi Vincencia (the Plaintiff) prays for orders as follows:
 1. Spent
 2. Spent
 3. That this Honorable Court be pleased to make a temporary order of injunction restraining the 1st and 2nd Defendants/Respondents, their agents, employees and/or servants from selling, carrying away, disposing off, or in any way dealing with the household items in the suit property in any manner that may interfere with the Plaintiff/Applicant’s right of ownership, quiet possession and enjoyment of the suit property being Ugatuzi Settlement No. 611 and a three – bedroom bungalow house pending inter party hearing and determination of this application
 4. That this Honorable Court be pleased to make an order directing the Defendants to vacate the suit property pending interparte hearing; or in the alternative.
 5. That this Honorable Court be pleased to make an order directing the Defendants to permit the Plaintiff/Applicant assess the suit property and take stock of household goods and/or the property to enable her quality the extent of the loss for the purpose of filing the necessary claim of loss and/or damages.



6. That the OCS Kiembeni Police Station to give assistance in execution of this order.
 7. That this Honorable Court do make other further orders as it may deem fit in the circumstances.
 8. That the costs herein by provided for.
2. The application is supported by an Affidavit sworn by the Plaintiff and is premised on the grounds *inter alia*:
- a. That the Plaintiff is the owner of the suit property and has resided therein for over 7 years;
 - b. That the 1st and 2nd Defendants have conspired to illegally and irregularly occupy, take possession and/or use the Plaintiff's property without any justification or legal authority;
 - c. That the 1st and 2nd Defendants have made clear their intentions to unlawfully take over the suit property by using any possible means including the use of force despite the Plaintiff's and plea to have them stop trespassing into and unlawfully residing in her property; and
 - d. That should the orders sought not be granted, the 1st and 2nd Defendants may at any time forcefully and unlawfully sell, dispose, alienate, carry away or destroy household items, or deal with the suit property in a manner that may interfere with the Plaintiff's right of ownership and quiet enjoyment of the property.
3. I have carefully perused and considered the application by the Plaintiff while the same was not opposed it is opponent that the same only sought an order of injunction against the Respondents pending the hearing of an application. Such an injunction is a temporary restraining order granted before a full hearing to preserve the status quo until the main application can be heard.
4. From the wording of Prayers 2 and 3 of the application, it was apparent that the intention of the Plaintiff was to seek an order of injunction pending the hearing and determination of the suit. Given that such a prayer was not made, it was clear to me that this application having been heard, the prayer for injunction has been spent and this court cannot issue any further orders herein.
5. In the premises the Motion dated 29th August, 2024 is hereby marked as spent and I make no order at to costs.

RULING DATED, SIGNED AND DELIVERED IN OPEN COURT AND VIRTUALLY AT MOMBASA THIS 25TH DAY OF SEPTEMBER, 2025

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J.O. OLOLA

JUDGE

In the presence of:

- a. Ms. Firdaus Court Assistant.
- b. Ms. Habiba Advocate holding brief for Muriithi Advocate for the Plaintiff
- c. No Appearance Advocate for the Defendants

