



REPUBLIC OF KENYA



**KENYA LAW**  
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**Mbaabu v Cosmas & 2 others (Environment and Land Case  
E005 of 2025) [2025] KEELC 7031 (KLR) (15 October 2025) (Ruling)**

Neutral citation: [2025] KEELC 7031 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NANYUKI  
ENVIRONMENT AND LAND CASE E005 OF 2025  
LN MBUGUA, J  
OCTOBER 15, 2025**

**BETWEEN**

**ELIPHAS KENNETH KAIBE MBAABU ..... PLAINTIFF**

**AND**

**JULIANA MWIKALI COSMAS ..... 1<sup>ST</sup> DEFENDANT**

**THE CHIEF LANDS REGISTRAR ..... 2<sup>ND</sup> DEFENDANT**

**THE OFFICE OF THE ATTORNEY GENERAL ..... 3<sup>RD</sup> DEFENDANT**

**RULING**

1. Before me is the plaintiff's Notice of Motion application dated 28.2.2025 filed contemporaneously with the suit where the plaintiff is seeking orders of temporary injunction restraining the defendants from dealing, disposing, trespassing or otherwise interfering with the property known as Land Reference Number 15317/11 situated in Laikipia County.
2. The application is premised on grounds that the plaintiff acquired then suit land by way of a transfer from one Duncan Ndegwa in 1994. He thereafter gifted the suit land to his son and the son's wife, but he was to discover that the suit land was transferred to the 1<sup>st</sup> defendant. He fears that the land may be alienated.
3. Service was effected of the suit documents but no responses have been filed. This being an application for injunctive orders the same shall be weighed against the requisite essentials set out in the celebrated case of *Giella vs Cassman Brown* (1973) EA 358 where

“an applicant must show a *prima facie case* with a probability of success. Secondly, an interlocutory injunction will not normally be granted unless the applicant might otherwise suffer irreparable injury, which would not adequately be compensated by an award of



damages. Thirdly, if the court is in doubt, it will decide an application on the balance of convenience.”

4. The applicant has given an account of how he acquired the suit land as well as the title thereof. As such, I find that the application is merited. The same is hereby allowed on condition that the injunctive orders shall remain in force for a period of One Year. No orders as to costs.

**DATED, SIGNED AND DELIVERED AT NANYUKI THIS 15<sup>TH</sup> DAY OF OCTOBER, 2025 THROUGH MICROSOFT TEAMS.**

**LUCY N. MBUGUA**

**JUDGE**

In the presence of:

Kabugu for Plaintiff

Nancy Mwangi – Court Assistant

