



**Katana v Mwamure (Environment and Land Case 30 of 2021)
[2025] KEELC 7634 (KLR) (5 November 2025) (Ruling)**

Neutral citation: [2025] KEELC 7634 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MALINDI
ENVIRONMENT AND LAND CASE 30 OF 2021
FM NJOROGE, J
NOVEMBER 5, 2025**

BETWEEN

SHADRACK TABU KATANA PLAINTIFF

AND

PHILIP NGOKA MWAMURE DEFENDANT

RULING

1. I have considered the plaintiff's application before this court which is dated 22nd August 2025. I have also considered that the defendant is said to be deceased and no substitution has been made of his estate in the present matter, and that the plaintiff is incarcerated on the basis of accusations that he murdered the defendant. Without delving much into the issue of whether or not there is any substitution of the deceased defendant, and in view of the fact that the plaintiff has attached a copy of the title deed to the land he claims, the circumstances outlined dictate that this court preserves the subject matter of the suit. Consequently, I hereby order that all the parties to this matter shall respect the prevailing status quo of the suit land until the hearing and determination of the instant suit. Parties shall therefore scrupulously observe that status quo. The suit shall be mentioned on 18/12/2025 for further directions.

DATED, SIGNED AND DELIVERED AT MALINDI ON THIS 5TH DAY OF NOVEMBER, 2025.

MWANGI NJOROGE

JUDGE, ELC, MALINDI.

