



REPUBLIC OF KENYA



KENYA LAW
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**Lankas & another v Siringit (Land Case E016 of 2025)
[2025] KEELC 7932 (KLR) (17 November 2025) (Ruling)**

Neutral citation: [2025] KEELC 7932 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KILGORIS
LAND CASE E016 OF 2025
MN MWANYALE, J
NOVEMBER 17, 2025**

BETWEEN

KASHE JOSHUA LANKAS 1ST PLAINTIFF

LANKAS SHADRACK KAKA 2ND PLAINTIFF

AND

SAMWEL LESHOO SIRINGIT DEFENDANT

RULING

1. Upon consideration of the application by way of a Notice of motion dated 28th July 2025 seeking a temporary injunction against the Defendant/Respondent by himself, his agent, employees, licensees any other persons acting and/or his authority pending hearing and determination of the suit; which application is based on grounds inter alia, that the Defendant/Respondent in occupation of portion of the deceased's Estate, without any colour of right, and has exhibited hostilities, causing grievous assault to a beneficiary of the deceased Estate, an event report to Lolgorian police station under O.B 20.02.05 and the persist unlawful occupation by the Defendant despite formal notice to vacate the portion he illegally occupies.
2. Upon perusal of the supporting affidavit of Lankas Shadrack Kaka, who in his depositions reiterates the grounds in support of the application and has annexed a copy of the title deed and official search, a grant of letters of Administration Ad Litem, and dated January 2022, and minutes of a family meeting requesting the Respondent to vacate the suit premises, and an extract of an OB, reporting grievous harm.
3. Upon also taking into consideration of the Replying Affidavit of the Defendant/Respondent Mr. Samuel Leshoo Siringit, who depones inter alia, that his family have been in occupation of the suit property for 38 years; only to discover in 2024 that the suit property was registered in the name of



Lankas Ole Kaka who died in 2000, and that Ole Kaka and his dependants having not set foot on the suit property do not even know where it is situated.

4. Upon further consideration of the depositions in the Replying Affidavit to the after that the Respondent has now acquired the right to the property by adverse possession, hence sought the protection of the court against police harassment.
5. Noting that when the matter came up for direction the parties were directed to file written submissions on the application and therefore taking note and cognizant of the Applicants submission, which he submits that the respondent voluntarily vacated the suit property rendering the prayers of injunction not feasible, but the application remaining alive for orders of costs and maintenance of the current status quo, and further submissions that the Respondents voluntarily vacation renders the application as spent but the main suit remain alive and also the submission by the Applicant on issue of costs and preservation of the status quo. Taking also the Respondents submissions, that the application has not established a prima facie and hence is not entitled to the injunction sought more so that the Applicant sought eviction in an interlocutory stage.

Analysis and Determination

6. Taking note that the Respondent has vacated the suit property, an injunction as sought in the application is not feasible, as the prayer is essentially spent, and the court shall not look at the principles for grant of injunction as this prayer is essentially, overtaken by events.
7. Although no defence has been filed yet, the Respondent has alleged issues of adverse possession in his Replying Affidavit, and it is thus prudent if the suit property is preserved by an order of maintenance of the current status quo pending hearing and determination of the suit.
8. The status quo on the ground, is defined to mean that the current occupants to remain in possession but not to develop the property, and/or alter the property. The Respondent having voluntarily vacated the suit property, is thus not considered to be a current occupier, while the status quo on the register to remain in the name of the registered owners and/or his beneficiaries once succession is undertaken but not to be transferred and/or charged to any third party.
9. The status quo order above is issued pursuant to practice direction 28K gazette vide Gazette Notice 5178/2014 which empowers the court to issue status quo orders so as to preserve a suit property.
10. Costs of the application are awarded to the Applicants.

DATED AT KILGORIS THIS 17TH DAY OF NOVEMBER, 2025.

HON. M.N MWANYALE

JUDGE

In the presence of

CA – Emmanuel/Sylvia/Sandra

Mr. Leteipa for the Applicant

Mr. Tawo h/b for Mr. Maito for Respondent

