



**Mangi & 6 others v Noor (Environmental and Land Originating Summons E003 of 2024) [2025] KEELC 7503 (KLR) (4 November 2025) (Ruling)**

Neutral citation: [2025] KEELC 7503 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MALINDI  
ENVIROMENTAL AND LAND ORIGINATING SUMMONS E003 OF 2024  
FM NJOROGE, J  
NOVEMBER 4, 2025**

**BETWEEN**

- CHARO KARISA MANGI ..... 1<sup>ST</sup> PLAINTIFF**
- GEORGE KARISA MANGI ..... 2<sup>ND</sup> PLAINTIFF**
- JEFA KARISA MANGI ..... 3<sup>RD</sup> PLAINTIFF**
- KAZUNGU SULUBU MANGI ..... 4<sup>TH</sup> PLAINTIFF**
- STEVEN KAZUNGU MANGI ..... 5<sup>TH</sup> PLAINTIFF**
- ROSE KARISA MAGI ..... 6<sup>TH</sup> PLAINTIFF**
- LOICE KADZO ..... 7<sup>TH</sup> PLAINTIFF**

**AND**

**MOHAMED OSMAN NOOR ..... DEFENDANT**

**RULING**

1. The subject of this ruling is a Chamber Summons application dated 4<sup>th</sup> October 2024 wherein the Plaintiffs sought orders that: -
  1. ....(Spent).
  2. Warrant of arrest be issued against the Respondent to appear before court and show cause why he should not be committed to civil jail for disobeying the said court orders of 13<sup>th</sup> March 2024 for such term as the court may deem just;
  3. An order of mandatory injunction be issued directing the Respondent either by himself, servants and/or agents and any person or persons acting under him to bring down the structure that he has constructed on the suit property and the debris thereof at his own cost;



4. That costs be in the cause.
2. The application is premised on the grounds set out therein and supported by affidavit sworn on an even dated by Charo Karisa Mangi, who deposed that on 13<sup>th</sup> March 2024 an injunction was granted by this court against the Respondent pending the hearing and determination of the main suit (Exh.CK-2); that the order was served upon the Respondent and an affidavit of service to that effect filed (Exh CK-3); that despite being aware of the said order, the Respondent has deliberately and repeatedly violated the same by proceeding to develop the suit property by constructing a building.
3. The Respondent opposed the application through a Replying Affidavit which he swore on 28<sup>th</sup> February 2025. He denied service of the order and stated that the house being constructed on the suit property belongs to one Zulekha Mohamed Shekhan who had purchased a portion of the suit property on 11<sup>th</sup> June 2020, long before the present suit was filed and the said orders issued. He exhibited a copy of the sale agreement as “Exh. MON-1”. The Respondent deposed that since the order was issued, he has never been to the suit property and he maintained that the application is frivolous, vexatious, an abuse of the court process and should thus be dismissed.
4. On 9<sup>th</sup> June 2025, the Court directed that the application be canvassed by way of written submissions to be filed collectively within twenty-eight days. Upon a perusal of the Court record on CTS and at the time of preparation of this ruling, there were no such submissions on record by either party. In the circumstances, and for want of compliance with the Court’s directions, the application dated 4<sup>th</sup> October 2024 is hereby dismissed for want of prosecution.

**DATED, SIGNED AND DELIVERED AT MALINDI ON THIS 4<sup>TH</sup> DAY OF NOVEMBER, 2025.**

**MWANGI NJOROGE**

**JUDGE, ELC, MALINDI.**

