

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MALINDI
ELCLOM NO. E002 OF 2023

PILI CHARLES CHARO
PLAINTIFF

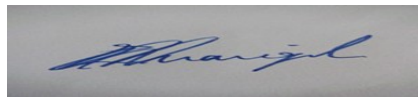
VERSUS

EVERLINE POLA BAHARI & 3 OTHERS
RESPONDENTS

RULING

1. The Notice of Motion dated 21st October 2025 seeks numerous orders, but a perusal of the same reveals that the **Prayers Nos (b) (d), (e) (f) (g) (h) and (i)** seek to resolve the dispute in the main suit at an interlocutory stage, and it is also noted that this court can not grant them as that would be against the established practice regarding mandatory injunctions at an interlocutory stage in civil litigation.
2. The only prayer that remains for this court to address is **prayer no (c)**. That prayer seeks to have the *status quo* of the suit land be maintained, and also specifically that the respondents be restrained from interring the remains of any person on the suit property, or in any other manner interfering with the suit property pending the hearing of the suit. There was no response to the application and therefore it being unopposed this court grants the same in the following terms:
 - a. **The application dated 21/10/2025 is granted in terms of prayer no (c) only while prayers nos (b) (d), (e) (f) (g) (h) and (i) are hereby dismissed;**
 - b. **The parties shall file and serve their trial bundles, witness statements and lists of witnesses and documents, the plaintiffs within 21 days and the defendants within 42 days, the timelines running concurrently, and the matter shall be listed for mention for pretrial on 20/4/2026;**
 - c. **The costs of the application shall be in the cause.**

Dated, signed and delivered at Malindi on this 28th day of January 2026.



**MWANGI NJOROGE,
JUDGE, ELC, MALINDI.**