



**Bana v Maalim alias Omar Ahmed Mohamed (Environment and Land
Case E130 of 2025) [2026] KEELC 664 (KLR) (6 February 2026) (Ruling)**

Neutral citation: [2026] KEELC 664 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MOMBASA
ENVIRONMENT AND LAND CASE E130 OF 2025**

**A OMBWAYO, J
FEBRUARY 6, 2026**

BETWEEN

ZAKARIA MOHAMED SHEIKH BANA APPLICANT

AND

OSMAN MAALIM ALIAS OMAR AHMED MOHAMED RESPONDENT

RULING

1. Zakaria Mohamed Sheikh Bana seeks orders that the application herein be certified as urgent, its service be dispensed with and the same be heard exparte in the first instance. That pending the hearing and determination of this Application, the Respondent, his agents, employees or servants be compelled to forthwith grant the Applicant full, peaceful, unconditional and unfettered access to the Suit Property known as MOMBASA/BLOCK/XVII/IIIIO developed into 40 apartments, 1 penthouse and 4 shops. That the OCS of Central Police Station do enforce and supervise compliance with the orders of this Court.
2. That pending hearing and determination of the main suit, the Respondent, his agents or servants be restrained from selling, transferring, charging, leasing, disposing of, otherwise dealing with any of the units developed on MOMBASA/BLOCK/XVII/IIIIO without full disclosure and written consent of the Applicant.
3. That pending hearing and determination of the main suit, the Respondent be compelled to preserve all proceeds from any ongoing or future sale of units in the Suit Property, and to deposit the same in an escrow and/joint account held in the names of both parties or as directed by the Court.
4. That pending the hearing and determination of the main suit, the Respondent be compelled to keep and maintain true, accurate and verifiable records of all units sold, sale agreements, sale prices, monies received, expenditures, construction costs and operational costs and profit realized.



5. That pending the hearing and determination of the main suit, the Respondent be restrained from interfering with the Applicant's contractual and proprietary interest, participation rights or management involvement in the developed property and its proceeds.

That costs of the application be provided for.

6. The application was served but there is no reply to the same and therefore it is not opposed. I do
7. pending the hearing and determination of this Application, the Respondent, his agents, employees or servants be compelled to forthwith grant the Applicant full, peaceful, unconditional and unfettered access to the Suit Property known as MOMBASA/BLOCK/XVII/III O developed into 40 apartments, 1 penthouse and 4 shops. Matter to proceed for hearing of the main notice of motion on 23rd February 2026 at 9:00am. Hearing notice to issue.

SIGNED BY/FOR:

HON. JUSTICE ANTONY O. OMBWAYO

**THE JUDICIARY OF KENYA. MOMBASA ENVIRONMENT AND LAND COURT
ENVIRONMENT AND LAND COURT**

DATE: 2026-02-06 15:52:47

