

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT GARSEN

CIVIL APPEAL NO. E004 OF 2026

HASSAN ABDI DAGANE.....1ST APPLICANT

SAMALAND SMARTWORKS

INVESTMENTS COMPANY LTD.....2ND

APPLICANT

VERSUS

IBRAHIM ABDI DAGANE.....1ST RESPONDENT

MOHAMUD ABDI DAGANE.....2ND

RESPONDENT

RULING

1. The Applicants have filed a Notice of Motion Application dated 20th March 2026 in which they are seeking for some interim orders pending *inter partes* hearing. The said orders will have the effect of releasing motor vehicles impounded on orders of the Magistrate's Court and the opening of a hardware shop business closed on orders of the said court. The application was opposed by counsel for the Respondents.
2. Upon carefully considering the application, I find that the application is raising weighty issues. It is, in my view, not prudent to grant the interim orders at this stage before the application is fully canvassed by the parties. I therefore issue the following orders:

- 1) The Application is certified urgent.
 - 2) The same will be canvassed by way of written submissions.
 - 3) The Applicants to file and serve their submissions within 7 days from the date hereof.
 - 4) The respondents to file and serve their submissions within 7 days upon service with the submissions of the Applicants.
 - 5) Applicant will have leave to respond, if need be, to the Respondents submissions within 3 days after service with the Respondents' submissions.
3. Ruling on the application on 15/4/26.

Delivered, dated and signed at GARSEN this 19th day of March 2026.

J. N. NJAGI
JUDGE

In the presence of:

Miss Amuka holding brief for Mr. Muhamud for Applicants

Mr. AbdiWalkil Adan for Respondents

Court Assistant: Janette