



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT NAIROBI**

**ELC. CASE NO. 80 OF 2018**

**ERWIN AUGUST STILLHARD ..... 1<sup>ST</sup> PLAINTIFF**

**SUMINDER SONIA STILLHARD-SEHMI ..... 2<sup>ND</sup> PLAINTIFF**

**VERSUS**

**ZEVERCHAND RAMJI SHAH ..... 1<sup>ST</sup> DEFENDANT**

**WYCLIFF KEN LUGWILI ..... 2<sup>ND</sup> DEFENDANT**

**MOSES NDIRANGU ITUMIA ..... 3<sup>RD</sup> DEFENDANT**

**CHIEF LAND REGISTRAR ..... 4<sup>TH</sup> DEFENDANT**

**RULING**

The Plaintiffs who are the registered proprietors of the parcel of land known as L.R. No. 3734/541 (“the Suit Property”) situated in Lavington, Nairobi, seek a temporary injunction to restrain the Defendants or their agents from leasing, charging, mortgaging, selling, transferring, subdividing, disposing of, or in any manner interfering with the Plaintiffs’ peaceful and quiet enjoyment of the Suit Property pending hearing and determination of this suit.

When the Plaintiffs went to pay property rates on 14/2/2018 at the Nairobi County rates department, they were surprised to be issued with a receipt in the names of the 1<sup>st</sup> and 2<sup>nd</sup> Defendants yet they have never transferred the Suit Property and continue to be in occupation. They learnt that the 1<sup>st</sup> and 2<sup>nd</sup> Defendants presented a search to the Nairobi City County Rates Department which had entries showing their names. The Plaintiffs did a search on 23/2/2018 and found that they were still registered as the proprietors of the Suit Property. They were later issued a receipt by the Nairobi City County Rates Department for the rates payment in their names. The Plaintiffs are apprehensive that the Defendants may try and deal with the Suit Property.

The court is satisfied that the Plaintiffs have a *prima facie* case against the Defendants with a probability of success and allows prayer 6 of the application dated 27/2/2018.

Dated and delivered at Nairobi this 30<sup>th</sup> day of April 2018.

**K. BOR**

**JUDGE**

**In the presence of: -**

Ms. Ronoh holding brief for Mr. Litoro for the Plaintiff

Mr. V. Owuor- Court Assistant

No appearance for the Defendant