

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT

AT NAIROBI

MILIMANI LAW COURTS

ELC. CASE NO. 924 OF 2014

SWISSCOM LOGISTICS LTD.....PLAINTIFF

VERSUS

PAUL NAKACHU ERENG..... RESPONDENT

RULING

I have considered Notice of Motion dated 14/7/2014 and the annexed supporting Affidavit on annexures.

I have also considered the Defendant's Replying Affidavit sworn on 28/7/2014 and the annexures thereto. Both the Plaintiff and the Defendant claim ownership of the Suit property and have both annexed copies of their respective title deeds.

In these circumstances, the court is unable to make a determination of which of the two parties hold a valid title to the suit property. That being the case, I direct that the suit property do remain in vacant possession pending the hearing and determination of this suit. Notice of motion dated 14th July 2014 is dismissed. Costs in the cause.

A date for a Pre-trial be given before the Deputy Registrar to pave way to the full hearing of this suit.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 24TH DAY OF MARCH 2017.

MARY M. GITUMBI

JUDGE