

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT

AT NAIROBI

MILIMANI LAW COURTS

ELC. CASE NO. 783 OF 2014

FRANCIS ERIC WASUNA..... 1ST PLAINTIFF

RUTH WASUNA.....2ND PLAINTIFF

VERSUS

EUNICE NJERI NJERU1ST DEFENDANT

WILSON MUTERU.....2ND DEFENDANT

COUNTY GOVERNMENT OF NAIROBI.....3RD DEFENDANT

RULING

I have considered Notice of Motion dated 16th June 2014 and the Supporting Affidavit of the 1st Plaintiff. The Plaintiffs are laying claim to a parcel of land identified as Nairobi/Block 63/398 in Jamhuri Phase II.

The 1st Defendant, who is opposing the application, filed her Replying Affidavit sworn on 20/6/2014 in which she claims a parcel of land identified as Nairobi/Block 63/393. On the ground though, the Plaintiffs and the 1st Defendant are claiming the same parcel of land. At this interlocutory juncture of this suit, it is not possible to conclusively determine whether the disputed parcel of land is Nairobi/Block 63/398 of 383. That being the position, the court hereby directs that the suit property remain in vacant possession pending the hearing and determination of this suit.

Notice of Motion dated 16/6/2014 is accordingly dismissed.

Costs in the cause. A date for pre-trial conference be allocated before the Deputy Registrar to pave the way to full trial of this suit.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 17TH DAY OF MARCH 2017.

MARY M. GITUMBI

JUDGE