

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT KITALE

LAND CASE NO. 122 OF 2017

ESTHER TATA PAPA.....PLAINTIFF

VERSUS

JOSEPH WAMALWA MUSAMALI..... DEFENDANT

RULING

1. The parties have sought a definition of the status quo order herein. The trees on the suit land had been cut by the defendant. The land belongs to both the defendant and the plaintiff. They are related by way of marriage as husband and wife. However they are estranged. The exparte injunction order was obtained by the wife. However, the status quo order was urged by the husband. Since both parties are equally entitled to the property until the contrary is proved. I order that both parties shall observe the order of status quo to the extent that none of them shall interfere with the property pending the hearing and determination of this suit.

Dated, signed and delivered at Kitale on this 24th day of **August, 2017**.

MWANGI NJOROGE

JUDGE

24/08/2017

Coram before - Mwangi Njoroge Judge

Court Assistant – Isabellah/Picoty

Ms. Sitati for Nasike for Defendant

Ms. Arunga for Plaintiff

Ruling dated 24/8/2017 read in open court.

MWANGI NJOROGE

JUDGE

24/08/2017