



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MILIMANI LAW COURTS**

**ENVIRONMENT AND LAND COURT**

**ELC. CASE NO. 88 OF 2015**

**SALOME WANGARI WAMUNYU.....PLAINTIFF**

**VERSUS**

**IRENE JANE NJAMBI.....1<sup>ST</sup> DEFENDANT**

**PETER MOCHAMA ONKWARE.....2<sup>ND</sup> DEFENDANT**

**RULING**

I have considered Notice of Motion dated 4<sup>th</sup> February 2015, the supporting Affidavit and the annexures thereto. I have also studied the 1<sup>st</sup> Defendant's Replying Affidavit sworn on 16/3/2015 and annexures thereto, the Plaintiff's Further Affidavit sworn on 19/5/2015 and the 1<sup>st</sup> Defendants' Supplementary Replying Affidavit sworn on 28<sup>th</sup> August 2015.

Both the Plaintiff and the 1<sup>st</sup> Defendant rely on letters of allotment in their claim of the suit property. They both claim to have paid the sum requested within a few months of each other. In this scenario, it is difficult to ascertain at this interlocutory stage which claim is superior to the other. In the circumstances, I favour a situation where the currently prevailing *status quo* be maintained and this suit be expedited to full trial so that this issue of ownership of the suit property be settled once and for all.

To that end, I order that the *status quo* be maintained until this suit is heard and determined. Further, the court to proceed to fix a date for pre-trial conference.

**DELIVERED, DATED AND SIGNED IN NAIROBI THIS 7<sup>TH</sup> DAY OF OCTOBER 2016**

**MARY M. GITUMBI**

**JUDGE**