



COPY

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT
AT MOMBASA
CIVIL SUIT NO. 142 OF 2013

1. ALI AWADHI ALI
2. SALIM AWADHI ALI
3. KOMBO AWADHI ALIPLAINTIFFS

-VERSUS-

1. SHOMARI MWIANYI SHOMARI
2. LILIAN OWIMBO
3. SIDDIHA PROPERTY LTD.
4. CHEIF LANDS REGISTRAR
5. REGISTRAR OF LANDS, MOMBASA
6. ATTORNEY GENERAL
7. KAKO INVESTMENT LTD.
8. JOSEPH AWIMBO DEFENDANTS

RULING

I have had the opportunity to peruse the notice of motion dated 8th July, 2013. The supporting affidavit by Ali Awadh and all annexures attached.

I have also had the opportunity to peruse the submissions as read herein by the respondents.

I find that the requirements of *Giella and Cassman Brown* are not met. decline to grant the injunction. I

order that this suit be fixed for hearing on merits.

I however order that in the meantime *status quo* be maintained until the suit is heard.

Dated and delivered in open Court at Mombasa this 5th day of June, 2014

S. MUKUNYA

JUDGE

5.6.2014

In the presence of:

Mr. Waithera for the 1st defendant

Ms. Lutta Advocate for the Attorney General