



REPUBLIC OF KENYA



Ngonjo & 47 others v Maina & 3 others (Environment and Land Appeal E010 of 2023) [2024] KEELC 1486 (KLR) (12 March 2024) (Ruling)

Neutral citation: [2024] KEELC 1486 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT AND LAND APPEAL E010 OF 2023
LN MBUGUA, J
MARCH 12, 2024**

BETWEEN

STEPHEN MABURO NGONJO & 47 OTHERS APPELLANT

AND

PAUL IRUNGU MAINA 1ST RESPONDENT

FRANCIS MAKERIA WANJIRU 2ND RESPONDENT

SAMUEL KARIUKI MAINA 3RD RESPONDENT

NAIROBI CITY COUNTY 4TH RESPONDENT

RULING

1. I have considered the issues raised before this court today. In particular the court has considered the application made by the appellant that an order be given for all parties to be restrained from interfering with the suit property.
2. I have taken into account the ruling delivered by this court today where the court has given directions that focus should be on determination of the substantive appeal and not interlocutory applications.
3. I have also taken into account that the appellant's application dated 23.2.2024 is more or less similar to the one dated 23.11.2023 as in both instances, the appellant is seeking restraining orders.
4. I have also keenly perused the ruling of the trial court dated 15.8.2023 where the issues there in relates to orders of maintenance of status quo; where the current plaintiff is facing contempt proceedings.
5. Granting any orders at this stage would only convolute the dispute further noting that the matter is still active before the trial court.
6. In the circumstances, I proceed to give directions as follows:



1. The application dated 23.2.2024 is marked as SPENT in lieu of hearing the appeal.
2. The Appeal is hereby admitted for hearing.
3. The Appeal is to be heard by way of written submissions.
4. The appellant is to file/serve written submissions within 7 days (by 19.3.2024).
5. The Respondents to file/serve written submissions by 26.3.2024.
6. Parties are directed to file their Affidavits of Service in the portal.
7. Judgment on 8.4.2024.
8. Parties are at liberty to also file/serve submissions on the other pending applications (dated 18.8.2023 and 23.11.2023) but the pronouncement of the decision there of will be made in the body of the judgment.
9. Any documents filed or served outside the given timelines shall stand as expunged.
10. Appellant to effect today's directions upon 4th Respondent by close of business tomorrow (13.3.2024).

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 12TH DAY OF MARCH, 2024 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:-

Kuria for Appellant

Manyanyi for 1st – 4th Respondent

M/s Kipedi for the 4th Respondent

Court assistant: Judith

