



Kamau v Ncba Bank Kenya Plc & 3 others (Environment and Land Case Civil Suit E020 of 2024) [2024] KEELC 3849 (KLR) (23 April 2024) (Ruling)

Neutral citation: [2024] KEELC 3849 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT AND LAND CASE CIVIL SUIT E020 OF 2024**

MD MWANGI, J

APRIL 23, 2024

BETWEEN

BONIFACE KIHU KAMAU PLAINTIFF

AND

NCBA BANK KENYA PLC 1ST DEFENDANT

JANE NYAMBURA BAIYU 2ND DEFENDANT

NEEMA SHELTERS LIMITED 3RD DEFENDANT

REGISTRAR OF LANDS, NAIROBI COUNTY 4TH DEFENDANT

RULING

(Notice of Motion dated 15th April, 2024 – seeking that the auction of the suit property scheduled for 24th April, 2024 be stopped).

1. In view of the pending ruling in respect to the Notice of Motion application dated 22nd January 2024, I will be deliberately economical with my words in order not to prejudice or embarrass the outcome of the said application.
2. This Court undertook to expedite the hearing of the Plaintiff's application dated 22nd January, 2024. That was why the Court did not issue any interim orders pending its determination of the application. Unfortunately, the 45 days' statutory notice issued by the 1st Defendant has expired before the Ruling of the Court on the main application which is scheduled for the 9th May 2024. The 1st Defendant has gone ahead and scheduled an auction of the suit property herein, tomorrow, the 24th of April 2024.
3. If the auction proceeds, the proceedings before the Court in respect of the application dated 22nd January, 2024, will be rendered an academic exercise.



4. To allow the Court time to consider and determine the Application dated 22nd January, 2024, the Court considers it fit and just to suspend the auction scheduled tomorrow to await the ruling of 9th May, 2024. Therefore, this court, exercising its inherent authority, under Sections 3 and 3A of the *Civil Procedure Act* and Sections 13(7) and 19 of the *Environment and Land Court Act*, suspends the auction of the suit property scheduled on the 24th of April 2024 awaiting the ruling on the application dated 22nd January, 2024.

It is so ordered.

RULING DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI ON THIS 23RD DAY OF APRIL, 2024.

M.D. MWANGI

JUDGE

In the virtual presence of:

Mr. Tole for the Plaintiff/Applicant

Mr. Kabaiko for the 1st Defendant & Interested Party

Ms. Muriuki for the 2nd Defendant

No appearance for the 3rd and 4th Defendants

Court Clerk: Yvette

M.D. MWANGI

JUDGE

