



REPUBLIC OF KENYA



KENYA LAW
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**Jefwa v Iha & 26 others (Environment & Land Case 55 of 2018)
[2024] KEELC 4811 (KLR) (13 June 2024) (Ruling)**

Neutral citation: [2024] KEELC 4811 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MALINDI
ENVIRONMENT & LAND CASE 55 OF 2018
FM NJOROGE, J
JUNE 13, 2024**

BETWEEN

BETTY JUMWA JEFWA PLAINTIFF

AND

KATANA IHA & 26 OTHERS DEFENDANT

RULING

1. This ruling is in respect of the Notice of Motion Application dated April 15, 2024 filed by Counsel for the Applicant and is expressed to be brought under Section 1A and 3A of the [Civil Procedure Act](#) and Order 51 Rule 1 of the [Civil Procedure Rules 2010](#), which seeks the following orders:
 1. Elphas Achndu licensed Land Surveyor t/a Nadir Survey & Consultants be allowed to conduct the sub division on Plot No. 129 Mambrui as directed by the Honourable Court on March 24, 2023.
 2. The Officer Commanding Station (O.C.S) Gongoni be directed to superintend over the exercise.
 3. Costs be provided for.
2. I have considered the application. It is unopposed. The original suit it emanates from was also unopposed. Judgment was delivered on 24/3/23. The court noted in the judgment that the record shows that there is no ownership dispute and that at one point the Member of the County Assembly for the area had attempted to fundraise to help the defendants with the subdivision to no avail.
3. The orders sought are for the purpose of enforcing that judgment. It is proper that the suit property be subdivided strictly in accordance with the judgment in order to bring this dispute to closure. I therefore grant Prayer No 1 of the application dated 15/5/2024. Regarding Prayer, no 2 thereof, I hereby order



that the Officer Commanding station, Gongoni shall provide security until the subdivision exercise is over.

RULING DATED, SIGNED AND DELIVERED AT MALINDI ON THIS 13TH DAY OF JUNE, 2024.

MWANGI NJOROGE

JUDGE, ELC, MALINDI.

