



**Marwa v Wambura (Environmental and Land Originating Summons E020 of 2024) [2024] KEELC 14217 (KLR) (24 July 2024) (Ruling)**

Neutral citation: [2024] KEELC 14217 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MIGORI  
ENVIROMENTAL AND LAND ORIGINATING SUMMONS E020 OF 2024  
GMA ONGONDO, J  
JULY 24, 2024**

**BETWEEN**

**EVANS CHACHA MARWA ..... PLAINTIFF**

**AND**

**AMOS CHACHA WAMBURA ..... DEFENDANT**

**RULING**

1. This ruling is in respect of an application by way of a Notice of Motion dated 1<sup>st</sup> July 2024 for interim preservation orders in respect of the suit land reference number Bugumbe /Mabera/105 pending the hearing and determination of this suit.
2. After hearing Mr Mudeyi Okumu learned counsel for the plaintiff as well as Mr Agure Odera learned counsel for the defendant and in light of section 13 (7) (a) of the *Environment and Land Court Act* 2015 (2011) and being guided by the case of Ogada-vs-Mollin (2009) KLR on interim preservation orders, the application is hereby determined, inter alia;
  - a. The parties to maintain the prevailing status quo over the suit land pending the outcome of the originating summons.
  - b. That in particular, the plaintiff to continue being in occupation of the suit land to the extent of 3.7 acres and
  - c. There shall be no sale, charge, transfer, subdivision or disposal of the suit land pending the hearing and determination of the suit.
3. Costs of the application be in the cause
4. The originating summons dated 1<sup>st</sup> July 2024 be served on the defendant's counsel.
5. The suit is fixed for directions on 17<sup>th</sup> October 2024.



6. It is so ordered.

**DATED AND DELIVERED VIRTUALLY AT HOMA BAY THIS 24<sup>TH</sup> DAY OF JULY 2024**

**GEORGE M A ONGONDO**

**JUDGE**

In the presence of;

Mr A Mudeyi Okumu learned counsel for the plaintiff

Mr Agure Odera learned counsel for the defendant

Tom Maurice, court assistant

