



Githunguri & another (Suing as the personal representatives of the Estate of Stanley Munga Githunguri - Deceased) v Samoe & 6 others (Environment & Land Case E330 of 2024) [2024] KEELC 6251 (KLR) (22 August 2024) (Ruling)

Neutral citation: [2024] KEELC 6251 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE E330 OF 2024
LN MBUGUA, J
AUGUST 22, 2024**

BETWEEN

**LILIAN N GITHUNGURI 1ST PLAINTIFF
CLARE N GITHUNGURI 2ND PLAINTIFF
SUING AS THE PERSONAL REPRESENTATIVES OF THE ESTATE OF
STANLEY MUNGA GITHUNGURI - DECEASED**

AND

**WILLIAM LANGAT SAMOE 1ST DEFENDANT
SAMUEL MBUGUA KARIUKI 2ND DEFENDANT
FREDRICK KIMEMIA KIMANI 3RD DEFENDANT
GULF AFRICAN BANK LIMITED 4TH DEFENDANT
PHILIPS INTERNATIONAL AUCTIONEERS 5TH DEFENDANT
PURPLE ROYAL AUCTIONEERS 6TH DEFENDANT
CHIEF LAND REGISTRAR 7TH DEFENDANT**

RULING

1. The substantive application dated 9.8.2024 where the plaintiffs are seeking injunction orders is yet to be prosecuted and determined. In the intervening period, the plaintiffs are seeking interim orders in terms of prayer 2 in their application, averring that sale is imminent. They also seek orders to serve 1st – 3rd defendants via substituted service. The prayers are opposed by the 4th – 6th defendant who contend that no sale is about to take place.



2. I have considered that this matter is at the infancy stage.

The 4th – 6th defendants contend that there is no evidence of imminent sale. They have not demonstrated what prejudice they will suffer if an order of preservation of the suit land is given. In that regard the court hereby gives an order of maintenance of status quo both in terms of ground possession as well as registration status. Thus the suit land shall not be sold. The orders shall remain in force during the prosecution of the application and determination of the same.

3. On service, I hereby grant an order for service of all the suit papers upon 1st – 3rd defendants by way of substituted service via the Daily Nation within 7 days.

4. The respondents are to file/serve their responses by 13.9.2024.

5. The applicant is to file/ serve any further affidavit by 20.9.2024.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 22ND DAY OF AUGUST, 2024
THROUGH MICROSOFT TEAMS.**

LUCY N. MBUGUA

JUDGE

In the presence of:-

Wairoto and Ogutu for 1st & 2nd Plaintiff/Applicants

M/s Weru holding brief for Kongere for 4th – 6th Defendant

A. Kamau for 7th Defendant

Court Assistant: Joan

