



**Merengo v Singira & another (Environmental and Land Originating Summons
E010 of 2024) [2024] KEELC 6302 (KLR) (25 September 2024) (Ruling)**

Neutral citation: [2024] KEELC 6302 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MIGORI
ENVIROMENTAL AND LAND ORIGINATING SUMMONS E010 OF 2024
GMA ONGONDO, J
SEPTEMBER 25, 2024**

BETWEEN

JOHNES MAGOIGA MERENGO APPLICANT

AND

MAGOIGA SINGIRA 1ST RESPONDENT

**CATHERINE ROBI SIRINCHA (SUED AS THE ADMINISTRATOR OF THE
ESTATE OF DANIEL SIRINCHA SINGIRA DECEASED) 2ND RESPONDENT**

RULING

1. By notice of motion dated 15th February 2024, the applicant through M/s. Brian Mboya and Company Advocates, is seeking the orders thus:-
 - a. A temporary order of injunction do issue against the respondents from trespassing, building, fencing, excavating, cultivating, demolishing and/or erecting structures on a portion of LR No. Nyabasi/Busonga/320 measuring 3 Acres occupied by the applicant until this suit is heard and determined.
 - b. That costs of this application be provided for.
2. The motion is anchored upon the applicant's affidavit of 29 paragraphs of even date and 21 grounds on the face of it. The grounds include that:-
 - A. The LR No. Nyabasi/Busonga/320 (hereinafter referred to as the suit land) is registered in the name of the Deceased, Daniel Sirincha Singira.
 - B. For clarity, the portion hitherto under the possession of the Plaintiff now falls within and comprises the suit land measuring approximately 3.0 Acres.



- C. That the respondents are now threatening to invade the suit land and demolish and/or otherwise destroy the Applicant's property thereon.
- D. That the applicant stands to suffer irreparable damage if the respondents are not compelled to halt the intended acts of trespass.
3. Mr. Singei learned counsel for the applicant has implored the court to grant status quo order in lieu of the injunction as sought in the application in respect of the suit land.
4. Mr. Momanyi instructed by Oonge learned counsel for the respondent has no objection to the status quo order proposed by the applicant's counsel.
5. So, the motion is hereby determined in terms of status quo order to prevail over the suit land pending the outcome of the suit pursuant to Sections 13 (7) (a) of the *Environment and Land Court Act* 2015 (2011) and the decision in *Ogada v Mollin* (2009) KLR 670.
6. For the avoidance of doubt, the parties shall not sell, charge, transfer, or subdivide the suit land pending the hearing and determination of this suit.
7. Costs of the motion in the cause.
8. It is so ordered

DATED AND DELIVERED AT MIGORI THIS 25TH DAY OF SEPTEMBER 2024

G. M. A. ONGONDO

JUDGE

In the presence of ;

Mr. Singei learned counsel for the applicant

Mr. Momanyi instructed by Oonge learned counsel for respondent

Tom- Court Assistant

