



**Mohamed v DIB Bank Kenya Limited & 3 others (Land Case  
E144 of 2023) [2024] KEELC 13400 (KLR) (14 November 2024) (Ruling)**

Neutral citation: [2024] KEELC 13400 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI  
LAND CASE E144 OF 2023  
LN MBUGUA, J  
NOVEMBER 14, 2024**

**BETWEEN**

**HUSSEIN IBRAHIM MOHAMED ..... PLAINTIFF**

**AND**

**DIB BANK KENYA LIMITED ..... 1<sup>ST</sup> DEFENDANT**

**ABDI SHARIFF MOHAMED ..... 2<sup>ND</sup> DEFENDANT**

**ZAINABESHI HASSAN DEBEBE ..... 3<sup>RD</sup> DEFENDANT**

**KEYSIAN AUCTIONEERS ..... 4<sup>TH</sup> DEFENDANT**

**RULING**

1. There are two matters relating to the same property. One is case No. 144 of 2023 where the parties are *Hussein Ibrahim Mohamed v DIB Bank Kenya Limited, Abdi Shariff Mohamed, Zainabeshi Hassan Debebe Keysian Auctioneers*, while the other one is case No. E175 of 2023 where the parties are; *Abdi Shariff Mohamed v Hussein Ibrahim Mohammed*.
2. On, 18.9.2024, the court gave directions that the ruling in respect of Plaintiff's Notice of Motion dated 1.11.2023 in E144 of 2023 was to be delivered on 14.11.2024. In the said application, the plaintiff seeks orders to restrain the 2<sup>nd</sup> and 3<sup>rd</sup> defendants from interfering with plaintiff's possession of the suit property Nairobi block 104/389, that the 2<sup>nd</sup> defendant be restrained from charging or disposing off the suit property, that the 3<sup>rd</sup> defendant be compelled to make rental payments to the court and that the OCS Pangani Police Station be directed to ensure enforcement of the orders given herein.
3. However, a perusal of the sister file no. E175 of 2023 reveals that there is also a pending application dated 2.8.2023 which has not been given directions.
4. It is not clear as to when the two files were consolidated and the parties appear not to have been designated. It is the view of this court that all pending applications in both files should be handled



together in order to have orderly proceedings. In the circumstances, the orders given on 18.9.2024 to deliver a ruling on an application dated 1.11.2023 in E144 of 2023 is hereby reviewed and set aside.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 14<sup>th</sup> DAY OF NOVEMBER 2024 THROUGH MICROSOFT TEAMS.**

**LUCY N. MBUGUA**

**JUDGE**

In the presence of:

Kimanzi for Plaintiff

Makokha holding brief for Mudanya for 4<sup>th</sup> Defendant

Chalo for 1<sup>st</sup> Defendant

Okoth holding brief for Ali for 2<sup>nd</sup> & 3<sup>rd</sup> Defendant

Court Assistant: Vena

