



**Mogo Auto Ltd v Nanga Co Ltd & 2 others (Land Case E344 of 2024)
[2024] KEELC 7575 (KLR) (13 November 2024) (Ruling)**

Neutral citation: [2024] KEELC 7575 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
LAND CASE E344 OF 2024
LN MBUGUA, J
NOVEMBER 13, 2024**

BETWEEN

MOGO AUTO LTD PLAINTIFF

AND

NANGA CO LTD 1ST DEFENDANT

VICTOR KIPRONO KIPRUTO 2ND DEFENDANT

TSAVO CITY LIMITED 3RD DEFENDANT

RULING

1. Before me is the plaintiff's application dated 21.8.2024 seeking a temporary order of injunction restraining the defendants from demolishing the boundary wall separating the plaintiff's property LR No. 209 / 9752 along Lang'ata road and the adjacent parcel where the defendants are engaged in construction of a project known as JKAC Gardens Construction Project. The application is premised on the grounds on the face of the application and the supporting affidavit of Dellah Moraa Onyinkwa who is the legal manager of the plaintiff. She avers that the plaintiff has a sublease on parcel LR 209/9752 where they carry on their business relating to storage and sale of mortal cycles. That adjacent to this land, the defendants are carrying on a construction project but vide a letter dated 20.8.2024 they communicated their intention to demolish the boundary wall between the two parcels of land. The plaintiffs contend that they are likely to suffer irreparable loss and damages as the plaintiff's property will be exposed to vandalism and theft.
2. The application was served but no responses have been filed.
3. An injunction like the one sought by the applicant is an equitable remedy and the court hearing the application has discretion in making a decision on whether or not to grant such an injunction application. See – Paul Gitonga Wanjau vs Gathuthi Tea Factory Limited and 2 Others 2016 eKLR. In the case at hand, the plaintiffs have indicated that their business entails sale of motor cycles as well



as storage facilities, thus the demolition of the wall would certainly expose and affect their business. In the circumstances I find that the application is merited and the injunctive orders sought are hereby allowed but shall remain in force for a period of one year.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 13ST DAY OF NOVEMBER 2024 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:

Omuya holding brief Mr. Nyambengera for Plaintiff

Court Assistant: Vena

