



Nganga & 2 others (Suing in Their Capacity as Chairman, Secretary and Treasurer of New Kamiti Kahawa West Self Help Group) v Director of Surveys & 2 others (Environment & Land Case E150 of 2022) [2024] KEELC 13891 (KLR) (17 December 2024) (Ruling)

Neutral citation: [2024] KEELC 13891 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE E150 OF 2022
LN MBUGUA, J
DECEMBER 17, 2024**

BETWEEN

**DAVID CHEGE NGANGA 1ST PLAINTIFF
JAMES MWANGI THUO 2ND PLAINTIFF
DAVID MAINA MUKUHA 3RD PLAINTIFF
SUING IN THEIR CAPACITY AS CHAIRMAN, SECRETARY AND
TREASURER OF NEW KAMITI KAHAWA WEST SELF HELP GROUP**

AND

**THE DIRECTOR OF SURVEYS 1ST DEFENDANT
THE DIRECTOR LAND ADMINISTRATION 2ND DEFENDANT
THE CHIEF LAND REGISTRAR 3RD DEFENDANT**

RULING

1. Before me is the Plaintiffs' Notice of Motion dated 14.6.2024 seeking orders for the reinstatement and extension of the interim orders of injunction restraining the defendants from dealing with parcel L.R. No. 59/R. The applicants contend that orders of injunctions were granted on 20.12.2022 to last one year, but the prosecution of the case was hampered by their quest to enjoin the National Land Commission into these proceedings. They contend that they stand to suffer if the orders are not granted.
2. The application was served but no response was filed.



3. In the Case of *Erick Kimingichi Wapang'ana & Another v Equity Bank Limited & Another* [2015] eKLR, it was stated that;

“Temporary injunctions are issued under Order 40 Rules 1 to 5. Rule 6 of that Order provides that:

“Where a suit in respect of which an interlocutory injunction has been granted is not determined within a period of twelve months from the date of the grant, the injunction shall lapse unless for any sufficient reason the court orders otherwise.”

4. Rule 6 of Order 40 was made in clear cognizance of the preceding Rules in that order. It therefore follows that notwithstanding the wording of any order of interlocutory injunction, the same lapses if the suit in which it was made is not determined within twelve months “unless,” as the Rule further provides, “for any sufficient reason the court orders otherwise.”
5. In the case at hand, the court’s ruling of 20.12.2022 contained express wording that the orders of injunction would remain in force for a period of one year only. Thus the said orders lapsed on 20.12.2023. No plausible explanation has been given as to why the extension was not sought in good time. There is also no evidence to indicate that the property faces any imminent danger of being alienated or wasted. I therefore find that the application is not merited, the same is hereby dismissed with no orders as to cost.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 17th DAY OF DECEMBER 2024 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:

Maina holding brief for Kagui for Plaintiff

M/s Kubai for Defendant

Court Assistant: Vena

