

REPUBLIC OF KENYA
IN THE PRINCIPAL MAGISTRATE'S COURT OF KENYA AT SIAYA
ENVIRONMENT & LAND CASE NO 58 OF 2018

WILFRED OSUNDA OWINO.....1ST PLAINTIFF
MATHEWS ONYANGO OWINO.....2ND PLAINTIFF
POLYCAP OMONDI OWINO.....3RD PLAINTIFF
DAVID SEWE OWINO.....4TH PLAINTIFF

VERSUS

THE SIAYA COUNTY GOVERNMENT OF SIAYA.....DEFENDANT

In Court on the 12th day of July 2018

Before Hon. J.O. Ong'ondo

COURT ORDER

CLAIM FOR:-

1. For reasons to be recorded service hereof be dispensed with in the first instance and a temporary order in terms of prayer 3 do issue ex-parte pending hearing of inter parties;
2. A Mandatory injunction do issue to compel the defendant to reconstruct and replace to the same condition as before and at the defendant's cost the concrete columns, markers and/or beacons placed on the perimeter of the suit properties that have been damaged, destroyed and/or removed within a time prescribed by the court;
3. A Prohibitory injunction do issue to restrain the defendant, its agents, servants and/or employees from removing, damaging, or in any manner howsoever trespassing on South Ugenya/Rangala/780 and South Ugenya/Rangala/781 pending the hearing and determination of this suit;
4. This matter be heard as a matter of urgency in order to prevent further interference and/or destruction to any part of the suit property and to preserve the substratum of this case;
5. The costs of this application be borne by the defendant.

UPON READING the Amended Notice of Motion application by the Plaintiffs dated 4th April, 2018 together with the supporting affidavit sworn on the same date and UPON PERUSAL of written submissions filed by both counsel, IT IS HEREBY ORDERED THAT:-

1. A prohibitory injunction do hereby issue restraining the defendant, its agents, servants and/or employees from removing, damaging, or in any manner whatsoever trespassing on South Ugenya/ Rangala/780 and South Ugenya/Rangala/781 pending the hearing and determination of this suit;
2. Cost of the application to be met by the Respondent.

GIVEN under my hand and the seal of this court on this 12th.....day ofJuly.....2018.

ISSUED at Siaya this 12th.....day ofJuly..... 2018.


PRINCIPAL MAGISTRATE

PRINCIPAL MAGISTRATE
SIAYA LAW COURTS

PENAL NOTICE

TAKE NOTICE THAT SHOULD YOU FAIL OR REFUSE TO COMPLY STRICTLY WITH THIS COURT ORDER YOU SHALL BE IN CONTEMPT OF COURT AND LIABLE TO IMPRISONMENT AND/OR THE ATTACHMENT OF YOUR PROPERTY.