

**Application No. 3 of 2023 (Arising from Reference No. 7 of 2023) Joseph Ndungu Njau v.  
The Attorney General of the Republic of Kenya**

**Coming up for hearing on:** 3<sup>rd</sup> March 2025

**Application filed on:** 23<sup>rd</sup> February 2023

**Treaty:** 39 of the Treaty for the Establishment of the East African Community 1999

**Rules:** 4 & 84 of the East African Court of Justice Rules of Procedure 2019

**Subject matter:** Right to Property

This is an application for an interim interlocutory mandatory injunction (stay of execution) because the Reference raises triable issues of law and facts with overwhelming chances of success against the respondent and the balance of convenience favors the Applicant. That, if execution proceedings are allowed to proceed against him before the Reference is heard and determined he and his tenants who are still occupying the disputed parcel of land will suffer irreparable inconveniences, loss, harm, and injuries especially if execution is enforced by way of committal to civil jail, bankruptcy proceedings and eviction of the Applicants and his tenants from the disputed parcel of land.

The Application originates from Reference Number 7 of 2023 Joseph Ndungu Njau VS The Attorney General of the Republic of Kenya currently pending before the First Instance Division of the Court in which the Applicant alleges that the President of the Court of Appeal of Kenya has refused to convene a bench to hear and determine a matter in the Court of Appeal of Kenya in contravention of the Constitution of Kenya and therefore in contravention of the Treaty for the Establishment of the East African Community

The Applicant therefore seeks order prays for interim mandatory injunctions restraining the respondent from enforcing the judgment delivered against the Applicant with costs.

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