



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
ENVIRONMENT AND LAND CASE NO 204 OF 2012

MARTIN GITONGA MUTHEE.....PLAINTIFF

VERSUS

ISIAH MURUNGI.....DEFENDANT

RULING

This Application is dated 20/11/2012. It seeks orders:-

1. THAT this Honourable Court be pleased to certify this application urgent and hear it ex-parte in the first instance.

2. THAT this Honourable Court be pleased to issue an Order of temporary injunction restraining the Defendant by himself, his agents and servants from entering, cultivating, demolishing houses(s) or interfering with the Plaintiff's user and occupation of Land Parcel No. 1274, 3053 and 9641 Athiru Ruunjine Ndoledi Adjudication Section pending the hearing and determination of this suit or until further orders of this suit.

3. THAT this Honourable Court be pleased to empower and direct the O.C.S Laare Police Station to ensure compliance of any orders that may be issued herein.

4. THAT costs of this application be provided for.

The Application is buttressed by the Affidavit of MARTIN GITONGA MUTHEE and has the following grounds:-

1. The Plaintiff has been in actual occupation and user of the Suitland before and after the Land adjudication process in Athiru Ruunjine Ndoledi Areas.

2. The Plaintiff has filed an appeal to the Minister for Lands against the decision of the Land Adjudication Officer to award portion of the Suitland to the Defendant.

3. The Plaintiff has extensively developed the suit Land and has several properties thereon include (sic) a four roomed house.

4. The defendant has refused to obey the directive from the District Land Adjudication & Settlement Officer not to interfere with the Plaintiff's occupation and user thereof pending the hearing of the Appeal by the Minister.

5. The Defendant is now fencing off the Suitland and has demolished a pit latrine, and threatened to demolish the main house thereon.

6. The Plaintiff stands to suffer great irreparable damage if these orders are not issued.

7. The defendant has never occupied the Suitlands and stand (sic) to suffer no damage or prejudice at all.

On 22/02/2016, the parties told the Court that they had agreed to have the application marked withdrawn and settled.

In the circumstances, the application is marked as withdrawn and settled. Costs shall be in the cause.

It is ordered as follows:-

- 1. The Plaintiff to fully comply with order 11 CPR within 30 days of today.**
- 2. The Defendant to comply with order 11, CPR within 30 days after receipt of the Plaintiff's compliance documents.**
- 3. Parties to obtain a mutually convenient date for directions from the Registry.**

Delivered in open Court at Meru this 22nd day of February, 2016 in the presence of:-

CC: Lilian/Daniel

Harun Gitonga for the Plaintiff

Kaumbi for the Defendant

P. M. NJOROGE

JUDGE