



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENT AND LAND CASE NO 111 OF 2015

MEME MTOMUNORU.....PLAINTIFF

VERSUS

JOHN KAINGA M'NKUBITU.....1ST DEFENDANT

M'MJURI MUJURI2ND DEFENDANT

JOANA MUTIA KAORA.....3RD DEFENDANT

ISAIAH KAINDIO M'IBUAMBA4TH DEFENDANT

R U L I N G

This application is dated 10th December, 2015 and seeks orders:-

1. ***THAT this Honourable Court be pleased to certify this application urgent and proceed to hear the same ex-parte in the first instance and appropriate orders made.***
2. ***THAT this Honourable Court be pleased to issue a temporary order of injunction restraining the Defendants/Respondents by themselves, their agents, servants and or employees or whomsoever else acting on the Defendants/Respondents behalf or instructions from entering into, occupying, harvesting miraa, cultivating , fencing off, trespassing and/or in any other manner whatsoever or howsoever dealing with or interfering with the Plaintiff/ Applicant's ownership, possession and user of the original land parcel No. 1970 AKIRANGONDU "A" ADJUDICATION SECTION and all the portions illegally created therein particularly parcel Nos. 1942, 4734, 3575, 3775 and 2386 pending the inter-partes hearing of this application and thereafter as the court shall order.***
3. ***THAT this Honourable Court be pleased to issue a temporary order of injunction restraining the Defendants/Respondents by themselves, their agents, servants and /or employees, or whomsoever else acting on the Defendants/Respondent behalf or instructions from entering into, occupying, harvesting miraa, cultivating, fencing off, constructing, trespassing into and/or in any other manner whatsoever or however dealing with or interfering with the Plaintiff/Applicant's ownership possession and user of the original Land Parcel No. 1970 AKIRANGONDU "A" ADJUDICATION SECTION and all the portions illegally created therein particularly parcel Nos. 1942, 4734, 3575,3775 and 2386 pending the hearing and determination of this suit.***
4. ***THAT costs of this application be costs in the cause.***

The application is buttressed by the Affidavit of Meme Mtomunoru the Plaintiff.

On 16th February, 2016, the parties asked the Court to transfer the suit to Maua Chief Magistrate's Court in accordance with a Consent the parties wanted the Court to adopt as its order.

The Consent is in the following terms:-

“By Consent of Counsels for the Plaintiff herein the parties herein shall maintain status quo in terms of user and occupation of the suitland, which status quo is as is prevailing at the time of recording this consent. Meanwhile the suit be transferred to Maua Chief Magistrate's Court for hearing and determination. The Maua Court shall issue directions on how to proceed with the application dated 10/12/2015 and on the main suit itself”.

The Consent is adopted as an order of this Court. By, Consent, parties are to appear before Maua Senior Principal Magistrate's Court for directions on 24th February, 2016.

It is so ordered.

Delivered in Open Court at Meru this 16th day of February, 2016 in the presence of:-

CC: Daniel /Lilian

Kariuki for Plaintiff/Applicant

Mbogo for Defendants/Respondents

P. M. NJOROGE

JUDGE