



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MERU**

**ENVIRONMENT AND LAND CASE NO 99 OF 2016**

M'ATHERU M'ITHIBUA.....PLAINTIFF/  
APPLICANT

LUCY KINYU M'ABUANGE.....2ND  
PLAINTIFF/APPLICANT

**VERSUS**

MASMUS MURITHI.....1ST DEFENDANT/RESPONDENT

DISTRICT LAND ADJUDICATION AND SETTLEMENT

OFFICER IGEMBE DISTRICT.....2ND  
DEFENDANT/RESPONDENT

DISTRICT LAND REGISTRAR IGEMBE DISTRICT.....3RD DEFENDANT/RESPONDENT

ATTORNEY GENERAL.....4TH DEFENDANT/RESPONDENT

**RULING**

1. This application is dated 14th July, 2016 and seeks orders:-

(1) ***THAT this application be certified urgent and be heard ex-parte in the 1st instance.***

(2) ***THAT the Honourable Court be pleased to issue an order of injunction restraining the 1st Defendant himself, family, agents or any other person acting on his behest from evicting, or interfering with plaintiffs and his family with occupation of land parcel no. 1340/NAATHU/NAATHU pending the hearing and determination of this application.***

(3) ***THAT the Honourable Court be pleased to issue inhibition orders restraining all dealings in land parcel No 1340/NAATHU/NAATHU pending the hearing and determination of this application.***

(4) ***THAT the Honourable Court be pleased to issue inhibition orders restraining THE 1ST Defendant himself, family, agents or any other person acting on his behest from evicting, or interfering with plaintiffs and his family with occupation of land parcel No. 1340/NAATHU/NAATHU pending the hearing and determination of this suit.***

(5) ***THAT the Honourable Court be pleased to issue inhibition orders restraining all dealings in land parcel No. 1340/NAATHU/NAATHU pending the hearing and determination of this suit.***

**(6) Cost of this application be provided for:-**

2. The application is supported by the Affidavit of M' ATHERO M'ITHIBUA and has the following grounds:-

**(1) The 1st and 2nd defendant misled the 1st Plaintiff to transfer his entire land to the 1st defendant.**

**(2) The Plaintiff's family live and depend on the Land Parcel No. 1340 NAATHU/NAATHU suit land herein and they have lived therein for more than 60 years and no way 1st Plaintiff could have given the 1st defendant who is his grandson his entire land which is occupied and depended by all his family members.**

**(3) The Plaintiff is aged and illiterate whom the defendants have taken advantage of to take away his entire land.**

**(4) THAT it is in the best interest of justice that the orders sought herein be granted to preserve the subject matter of the suit.**

3. On 27/07/2016, after hearing the parties, the following Orders were issued:-

**(1) Application dated 14/07/2016 is allowed on interim basis terms of prayer 4 provided that if the 1st Defendant lives on the suit land, this order should not be used to evict him or interfere with his stay on the suit land.**

**(2) 2nd, 3rd and 4th Respondents granted 30 days to respond, filed a defence and parties are granted liberal leave to further respond, as and if necessary.**

**(3) 1st Respondent granted 30 days to file his responses, defence and any other apposite documents he may wish to file .**

**(4) Directions to be taken on 21/09/2016.**

**(5) it is so ordered.**

**DELIVERED IN OPEN COURT AT MERU THIS 27<sup>TH</sup> DAY OF JULY, 2016**

**IN THE PRESENCE OF:-**

CC: Daniel/Lilian

Muthamia h/b Mutembei for Plaintiffs

Kieti present for 2nd, 3rd and 4th defendants

**P.M. NJOROGE**

**JUDGE**