



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENTAL AND LAND CASE NO. 90 OF 2016

**LAWRENCE KIRUKI MUGAMBI1ST PLAINTIFF
/APPLICANT**

NORAH WAYUA MAINGI (Suing as the Legal representative of the estate of.....

**MBAYA MUGAMBI -Deceased).....2nd PLAINTIFF
/APPLICANT**

VERSUS

SUSAN GACHERI MUTHAMIA (being sued as the legal representative of the estate of

**GERRISON MUGAMBI alias MUTHAMIA M'MUGAMBI
Deceased)...DEFENDANT/RESPONDENT.**

R U L I N G

1. This application is dated 6th July, 2016 and seeks orders:-

(1) THAT this application be certified as urgent.

(2) THAT pending the hearing of this Application inter-partes this Honourable Court be pleased to issue an order of injunction restraining the defendant either by herself members of her family her servants, or/and agents from alienating, selling transferring or in any way interfering with Land Reference Nos. ABOTHUGUCHI/KITHURINE/1674 and ABOTHUGUCHI/KITHURINE/1675.

(3) THAT pending the hearing and determination of this suit this Honourable Court be pleased to issue an order of injunction restraining the Defendant either by herself members of her family her servants, or/and agents from alienating, selling, transferring or in any way interfering with Land Reference Nos. ABOTHUGUCHI/KITHURINE/1674 AND ABOTHUGUCHI/KITHURINE/1675.

(4) THAT this honourable Court be pleased to issue orders of inhibition to inhibit any dealings with Land References Nos. ABOTHUGUCHI/KITHURINE/1674 and ABOTHUGUCHI/KITHURINE/1675 until this suit is heard and determined.

(5) THAT the costs of this application be provided for;

2. The Application is buttressed by the affidavit of LAWRENCE KIRUKI MUGAMBI, the 1st Plaintiff and has the following grounds:-

(a) THAT the land the subject matter was family land and set aside for the plaintiffs by their father.

(b) THAT the brother who was to transfer the land to the Plaintiffs died before doing so.

(c) THAT the defendant and her sisters have become greedy and have refused to honour the family arrangement.

(d) THAT this Court's intervention is extremely necessary.

3. The application was heard ex parte on 18th July, 2016. Prayer 4 was granted and the application was to be heard inter partes on 25/07/2016 (today). Although the respondent had been properly served, she did not turn up in Court to participate in the scheduled proceedings.

4. As the application is not opposed, it is allowed with the effect that Prayers 3 and 4 are confirmed.

5. Costs shall be in the cause.

6. It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 25 DAY OF JULY, 2016 IN THE PRESENCE OF:-

CC : Lilian /Daniel

P . M . NJOROGE

JUDGE