

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

ENVIRONMENT AND LAND COURT

ELC. CASE NO. 141 OF 2010

JOHN PETER KAMAU RUHANGI.....PLAINTIFF

VERSUS

KENYA FOREST SERVICE..... DEFENDANT

RULING

Coming up before me for determination is the Notice of Motion dated 8th June 2015 (hereinafter referred to as the “Third Injunction Application”) in which the Plaintiff/Applicant seeks an order of temporary injunction restraining the Defendant from constructing, trespassing, entering or interfering with the parcel of land known as Land Reference No. 17942 located in Kiambu (hereinafter referred to as the “suit property”) pending the hearing and determination of this suit.

The same Plaintiff/Applicant did file the Notice of Motion dated 6th March 2014 (hereinafter referred to as the “Second Injunction Application”) in which he sought for the same orders namely orders of temporary injunction restraining the Defendant/Respondent from trespassing, entering, fencing or interfering in any manner whatsoever with the suit property pending the hearing and determination of this suit. I delivered the ruling on the Second Injunction Application on 4th July 2014 where I essentially dismissed the Second Injunction Application on the ground that it was *res judicata*, the Plaintiff having previously brought before this court the Notice of Motion dated 24th March 2010 (hereinafter referred to as the “First Injunction Application”) seeking for a temporary injunction to restrain the Defendant from trespassing, entering or interfering with the suit property. The First Injunction Application was similarly dismissed.

It is not clear to this court why the Plaintiff/Applicant keeps bringing similar applications before this court instead of setting the suit down for hearing. For the same reasons as I gave for dismissing the Second Injunction Application, the Third Injunction Application is hereby dismissed with costs to the Defendant.

It is so ordered.

SIGNED AND DELIVERED AT NAIROBI THIS 28TH DAY OF OCTOBER 2016.

MARY M. GITUMBI

JUDGE