



**REPUBLIC OF KENYA**

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

**HCC NO 54 OF 2008**

**DANIEL RIUNGU MATHIU**

**GERALD MURIRA M' MBWIRIA**

**ANDREW MUNGATIA ANJURI**

**SILAS KAMATHI AYUB.....PLAINTIFF/APPLICANTS**

**VERSUS**

**MUNICIPAL COUNCIL OF MERU**

**JOHN KABITI MUKANGO**

**EUTYCHUS MUTHUI**

**EMILY KARAMBU MUTHUI**

**MUSA M'KIRERA.....DEFENDANTS/RESPONDENTS**

**J U D G M E N T**

1. The provenance of this suit was MERU CMCC NO. 962 of 2003. This suit was withdrawn from the Meru Chief Magistrate's Court and transferred to the Meru High Court vide a decision made by the Hon. Isaac Lenaola, Judge, as he then was on 13th August, 2007. This decision was made in Meru High Court Civil Application No. 83 of 2007.

2. In their plaint dated 24th November, 2003, the Plaintiffs prayed for judgment against the defendants jointly and severally for:-

***(a) A declaration that Land Title Nos. Meru Municipality Block 11/651, 652 and 653 are not subject to replanning.***

***(b) A permanent injunction to restrain the Defendants, their respective servants or agents from entering, working on or in any other way from interfering with any of the said Land Titles or the Plaintiffs' right to enjoy and use the same.***

***(c) Costs of this suit.***

***(d) Any other further or alternative relief as may be just.***

3. On 21/11/2016, the parties, through their advocates, proffered a consent dated 1st August 2016 and filed in court on 18th November, 2016 which they asked the Court to adopt as its order.

4. The Consent is in the following terms: -

*“By consent of the parties and their respective advocates;*

*1. This suit be and is hereby marked as withdrawn with each party bearing own costs.*

*2. Any orders of injunction, inhibition, cautions or restrictions registered against plot numbers Meru Municipality Block 11/651, 652 and 653 be and are hereby lifted”.*

5. This consent is adopted as an order of this Court.

6. This suit is marked settled and concluded in all respects.

7. It is so ordered.

**DELIVERED IN OPEN COURT AT MERU THIS 30TH DAY OF NOVEMBER, 2016 IN THE PRESENCE OF:-**

C.A Daniel/James

Manases Kariuki present for Plaintiffs

**P. M. NJOROGE**

**JUDGE**