



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENT AND LAND CASE NO 114 OF 2016

JOHN NKONGE M'ARITHI.....1ST PLAINTIFF

MAGDALINE NYAMBURA.....2ND PLAINTIFF

JOYCE MBOYA.....3RD PLAINTIFF

VERSUS

PENINAH NKATHA.....1ST DEFENDANT

CHRIS KINYUA WANJAGI.....2ND DEFENDANT

J U D G M E N T

1. The Plaintiff in his Plaint dated 27/07/2016 seeks orders against the defendants jointly and severally for:-

a) A declaration that the 1st Defendant's notice to the Plaintiffs to vacate the demised premises on Plot No. NTIMA/IGOKI/2079 dated 23/06/2016 is null and void.

b) An order of permanent injunction do issue restraining the 1st Defendant, whether by herself, her employees, agency, servants or anyone acting at their behest from unlawfully evicting the Plaintiffs from the demised premises on the subject plot herein.

c) Costs of the suit and interests.

2. On 20/12/2016, the 1st Plaintiff told the Court that he had vacated the suit premises. He asked the Court to mark the suit as settled without no order as to costs.

3. Mr. Muriuki, the Plaintiff's Advocate, told the Court that he was amenable to the Plaintiff's request BUT only if the Plaintiff fully vacates the Defendant's premises.

4. Mr. Muriuki told the Court that his clients were willing to forgo costs.

5. In the circumstances , it is ordered as follows:-

(1) The suit is marked settled with no orders as to costs as long as it is established that the Plaintiff has vacated the suit premises.

(2) In the event that the Plaintiff has not fully vacated Plot No. NTIMA/IGOKI/2079, an order is issued that he be evicted from the premises with the assistance of the O.C.S Meru Police Station.

6. It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 20TH DAY OF DECEMBER, 2016 IN THE PRESENCE OF:-

C:A Daniel/James

John Nkonge M'Arithi- 1st Plaintiff

Ken Muriuki for the Defendants

P.M.NJOROGE

JUDGE