



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENT AND LAND CASE NO 99 OF 2016

M'ATHERU M'ITHIBUA.....1ST 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 14/07/2016. On 21/09/2016, Mr. Mwanzia asked the Court to allow the application as the defendants had been properly served and an affidavit of service had been filed even though there was no appearance for the 1st defendant.
2. The 2nd, 3rd and 4th Defendants supported the application and their Lawyer told the Court that allowing the application would preserve the suit land.
3. It is clear from the Court's record that this application was allowed via a Ruling delivered by this Court on 27/07/2016.
4. Nevertheless it is made clear that the application was found to be meritorious and the following orders are issued:-

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

(2) 2nd, 3rd and 4th Respondents granted 60 days to respond, file a defence and parties are granted liberal leave to further respond, as and if necessary.

(3) The 1st Respondent granted 60 days to file his responses, defence and any other apposite documents he may wish to file .

(4) The Plaintiffs/Applicants to obtain a date for directions from the Registry upon expiry of 60 days from 19/12/2016 and to appropriately serve the said date upon the Defendants.

(5) For avoidance of doubt no Injunctive Orders have been granted and the applicants are ordered not to bring this application back to Court as they have done, even though a Ruling had been delivered on 27/07/2016.

(6) The only order granted is for registration of an Inhibition against Land Parcel Number No. 1340/NAATHU/NAATHU .

(7) Costs to be in the cause.

(8) It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 19TH DAY OF DECEMBER, 2016 IN THE PRESENCE OF:-

C:A: Daniel

Mutembei for Plaintiff /Applicant

P.M. NJOROGE

JUDGE