



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENT AND LAND CASE NO 245 OF 2016

YUDA IMUNYA Alias YUDA K. IMUNYA.....PLAINTIFF/APPLICANT

VERSUS

ATANASIO KIBARA.....DEFENDANT/RESPONDENT

R U L I N G

1. This application is dated 24 th day of November, 2016 and seeks orders:-

(1) THAT the application be certified urgent and it be heard ex-parte in the first instance.

(2) THAT pending inter-partes hearing of the application, a temporary injunction be issued, restraining the defendant/respondent, his family members, employees, servants, agents, representatives and/or anybody else acting for , through, or on his behalf , or at his behest, direction of instructions, from interfering with the plaintiff's peaceful, quiet, exclusive, uninterrupted and undisturbed possession, cultivation , development , user and enjoyment of land parcel No. 5382, measuring about 0.48 of an acre, situated near Karama Market, within Karama Adjudication Section.

(3) THAT pending hearing and determined of the suit further orders of the Court , a temporary injunction be issued restraining the defendant/ respondent, his family members, employees, servants, agents, representatives and/or anybody else acting for, through, or on his behalf, or at his behest, direction or instructions, from entering into, trespassing onto, taking possession of any portion of, and/or whatsoever interfering with the Plaintiff's peaceful, quiet, exclusive, uninterrupted and undisturbed possession , cultivation, development, user and enjoyment of land Parcel No. 5392, measuring about 0.48 of an acre, situated near Karama Market , within Adjudication Section.

(4) THAT costs of the application be provided for.

2. The application is supported by the affidavit of YUDA IMUNYA and has the following grounds:-

(a) That suit land belongs to the Plaintiff/Applicant who has been utilizing it since 09.10.1995.

(b) THAT the respondent has threatened to forcibly grab the suit land using his powers as a land committee member and completely block the applicant and his family from accessing the same.

3. I do agree with Mr. Calpeters Mbaabu, the applicant's Advocate, that having been served on 07/12/2016, 12 days later, the Defendant had ample time to file his response in objection to the

application.

4. I refuse to allow an adjournment.

5. I find that the application is not opposed.

6. In the circumstances, the application is granted in terms of prayer 3.

7. Costs shall 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

Carlpeters Mbaabu for the Applicant

Omari h/b Otieno for the Respondent

P.M. NJOROGE

JUDGE