



**REPUBLIC OF KENYA**

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

**ENVIRONMENT AND LAND CASE. NO. 216 OF 2016**

**MWITI ISAAC BITU.....1ST PLAINTIFF**

**MOSES GITONGA BITU.....2ND PLAINTIFF**

**SILAS THURANIRA BITU.....3RD PALINTIFF**

**RICHARD MICHUBU BITU.....4TH PLAINTIFF**

**VERSUS**

**BITU M'ITHIRIA.....DEFENDANT**

**R U L I N G**

1. This application is dated 26th October, 2016 and seeks orders:-

**1. That this Honourable Court be pleased to certify this application as of utmost urgency, hear the same ex-parte in the first instance and dispense with service thereof.**

**2. That an order of inhibition do issue against land parcel Nos. ITHIMA/NTUNENE/ 3416, 3417, 3418, 3421, 3422, 3891 and 3892 pending the hearing and determination of this application.**

**3. That an order of inhibition do issue against land parcel numbers ITHIMA/NTUNENE/ 3416, 3417,3418, 3421, 3422, 3891 and 3892 pending the hearing of the suit.**

**4. Costs of this application be provided for.**

2. The application is buttressed by the Supporting Affidavit of Mwiti Isaac Bitu and has the following grounds:-

**I. That the suit land herein is a family land registered in the names of the defendant to hold in trust for the family.**

**II. That the defendant is in the process of disposing the entire family lands at the detriment of the plaintiffs and their family.**

**III. That the defendant had other parcels of lands and sold 3 of them.**

**IV. That the plaintiffs has (sic) extensively developed the suit lands having lived there for over 20 years, and have built their homes, and they live with their families on the suit land.**

**V. That if the suit lands are not preserved by an order of this court, the defendant may dispose the same anytime now hence impoverishing the plaintiffs and rendering them and their families landless and destitute.**

**VI. That this suit will be rendered nugatory if the orders sought herein are not granted.**

3. During interpartes hearing, the 1st Plaintiff told the Court that their father had sold 3 parcels of land out of their ancestral land and they feared that he would sell the remaining ancestral land.

4. The Defendant/ Respondent told the Court that he sold his small parcels of land to exchange with a bigger portion of land. He, however, told the Court that he could not remember the name of the person he exchanged his small portions of land with a bigger parcel of land.

5. The Respondent is not truthful.

6. I find that the fear expressed by the Plaintiffs that the defendant intended to sell more of their ancestral land was well grounded.

7. In the circumstances, prayer 3 is granted with the effect that it is ordered that an order of Inhibition be registered against land parcel numbers ITHIMA/NTUNENE/3416,3417,3418,3421,3422,3891 and 3892.

8. Costs shall be in the cause.

9. It is so ordered.

**DELIVERED IN OPEN COURT AT MERU THIS 13TH DAY OF DECEMBER, 2016 IN THE PRESENCE OF:-**

CC: Daniel/James

Mwitu Isaac Bitu -1st Plaintiff /Applicant

Moses Gitonga Bitu- 2nd Plaintiff/Applicant

Richard Michubu Bitu- 4th Plaintiff/Applicant

Bitu M' Ithiria -Defendant/Respondent

**P.M. NJOROGE**

**JUDGE**