



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU

E&L CASE NO. 243 OF 2016

AGNES KAIRIGO MBWIRIA.....PLAINTIFF

VERSUS

HUSSEIN JILO.....DEFENDANT

RULING

1. This application is dated 21st November, 2016 and seeks orders:-

(1) That service of this application be dispensed with at 1st instance.

(2) That the defendant's his agents, servants, employees, assigns, legal representatives or anybody claiming under his name be restrained by way of temporary injunction from further pouring building materials, putting up buildings, entering into Plaintiff's plot, developing the same or in any other way interfering with plaintiff's plot No. 281B Kiwanjani within Isiolo Municipal Council Isiolo County pending hearing and determination of application and until hearing and determination of this suit.

(3) That the court to grant any other relief it deems just for ends of justice to be met.

(4) Costs of application to be provided for.

2. The application is supported by the Affidavit of AGNES KAIRIGO MBWIRIA sworn on 21st November, 2016 and has the following grounds:-

(1) That the Plaintiff is the registered owner of Plot No. 271B Kiwanjani.

(2) That the Plaintiff has been in peaceful and exclusive occupation of the same for over 20 years without any claim or interference from any one.

(3) That recently the defendant and his agents without any colour of right entered into the said plot and started putting up timber houses.

(4) That the defendant's action are meant to dispose the Plaintiff off her plot and she is already suffering loss and damages.

3. I agree with the Plaintiff's Advocate that the Defendant has properly been served with a Notice indicating that the application was to be heard on 08/12/2016. Despite service the Defendant is not in

Court.

4. In the absence of the defendant and taking into account that he has not opposed the application, I do allow the application in terms of prayer 2 thereof.

5. This application is deemed heard and determined .

6. The OCS Isiolo Police Station is ordered to facilitate the implementation of prayer 2 as granted in paragraph 4 of this ruling.

7. Costs shall be in the cause.

8. It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 8TH DAY OF DECEMBER, 2016 THE PRESENCE OF: -

C:A James

Mrs. Kaume for the Plaintiff/Applicant.

P.M. NJOROGI

JUDGE