



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**CONSTITUTIONAL APPLICATION NO. 1 OF 2012**  
**IN THE MATTER OF AN APPLICATION UNDER ARTICLE 165 (6)&(7) ART**  
**159(2)(D)(E) ARTICLE 10(2)(b)259(1) CONSTITUTION OF KENYA**  
**BETWEEN**  
**GEORGE KABAYO as Legal Representative of the estate of**  
**M'MBOROKI M'ITARU.....APPLICANT**  
**VERSUS**  
**DISTRICT LAND ADJUDICATION OFFICER**  
**TIGANIA EAST/WEST.....1<sup>ST</sup> RESPONDENT**  
**DIRECTOR OF LAND ADJUDICATION.....2<sup>ND</sup> RESPONDENT**  
**NATHANIEL MAINGI THIMANGU as legal representative**  
**OF ABENDINEGO IMAINGI IBURI.....INTERESTED PARTY**

**RULING**

This application is dated 17<sup>th</sup> September, 2015 and has grounded the Urgent hearing of the application dated 20<sup>th</sup> March 2015 upon the following reasons:-

- 1. The 3<sup>rd</sup> Interested party has started developing the suit property whereas they (sic) are not in user and occupation of the same.***
- 2. That there is pending an application for temporally (sic) injunction same dated 20<sup>th</sup> March, 2013 which we pray the same be heard on priority basis so as to restrain any party herein from alienating, transferring developing as (sic) whatever interfering with the subject matter namely KIANJAI/ADJUDICATION Section 53 and 7382 and 9861 pending hearing and determination of the intact (sic) cause herein.***
- 3. That if the 3<sup>rd</sup> interested party is not restrained on first instant (sic) the applicant stands to***

*suffer consequential irreparable loss harm and damage hence the urgency of the matter.*

I do find that this Certificate of Urgency application has merit.

It is, therefore, allowed.

The application dated 20<sup>th</sup> March, 2013 will be heard Interpartes on 29/09/2015.

It is so ordered.

**Delivered in open Court at Meru this 22<sup>nd</sup> day of September, 2015 in the presence of:-**

CC: Daniel/Lilian

Mutunga for the Applicant

**P.M NJOROGE**

**JUDGE**