



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
ENVIRONMENT AND LAND DIVISION
CIVIL SUIT NO 101 OF 2012

CECILIA KAMBURA MUKINDIA1ST PLAINTIFF/APPLICANT

SALESIO IRITE M'MUKINDIA2ND PLAINTIFF/APPLICANT

VERSUS

M'MAINGI ETHARAMBURI.....DEFENDANT /RESPONDENT

RULING

This application is dated 21/09/2015 and seeks the following orders:-

1. ***THAT this application be certified as extremely urgent and the same be heard as a matter of urgency and priority.***
2. ***THAT this Honourable Court be pleased to issue orders of temporary injunction, restraining the defendant, his agents, representations, workers employees, family members and/or anyone else working at his behest, restraining them from building, working on, tilling and interfering with the applicants user of land parcels LR No. RUIRI/RWARERA/5088 and 5089 pending the hearing and determination of this application.***
3. ***THAT this Honourable Court be pleased to issue orders of temporary injunction, restraining the defendant, his agents, representatives, workers, employees, family members and/or anyone else working at his behest, restraining them***
4. ***from building, working on, tilling and interfering with the applicants user of land parcels LR. No. RUIRI/RWARERA/5088 and 5089 pending the hearing and determination of this suit.***
5. ***THAT costs for and incidental to this application be borne by the respondent.***

It has the following grounds:-

- i. ***THAT the 1st applicant was the registered owner of land parcel No. RUIRI/RWARERA/5088 as at the time of filing this suit and has since acquired land parcel No. RUIRI/RWARERA/5089 by transmission upon completion of Meru High Court Succession Cause No. 26 of 2008.***
- ii. ***THAT the respondent is a mere trespasser who has no known claim or interest over the material parcels of lands.***
- iii. ***THAT the respondent has now embarked on unfettered development of permanent structures on the material parcel of land to lay basis for future claim on occupation.***
- iv. ***THAT the applicants have established prima-facie case with high chances of success.***

During interpartes hearing on 19/10/2015, Mr. Mutegi holding brief for Mr. Gichunge told the Court that since the respondent was not in Court the application should be allowed. **I allow the application in terms of prayer 3.**

Costs shall be in the cause.

Delivered in Meru this 19th day of October, 2015 in the presence of:-

CC: Daniel/Lilian

Mutegi for the Applicant

P. M. NJOROGÉ

JUDGE