



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**E & L NO. 98 OF 2013**

**NKINGA M'RAIJI.....PLAINTIFF**

**VERSUS**

**FREDRICK KITHINJI & 3 OTHERS.....1ST DEFENDANT**

**ELIPHAS MBAE.....2ND DEFENDANT**

**IAN GITONGA KITHINJI.....3RD DEFENDANT**

**IAN KABURU MBAE.....4TH DEFENDANT**

**R U L I N G**

This application by the plaintiff/applicant is dated 7th June, 2014 and seeks orders:

1. **That this application be certified urgent and service of the same be dispensed with in the first instance.**
2. **That pending the hearing and determination of this application, the respondents either by themselves, agents, servants or any person acting on their behalf be restrained by interim injunction from evicting the applicant from LR: MWIMBI/MURUGI/3763, LR: MWIMBI/MURUGI/3762, LR: MWIMBI/MURUGI/3765, AND LR: MWIMBI/MURUGI/3764 or any part thereof.**
3. **That pending the hearing and determination of the main suit herein, the respondent either by themselves, agents, servants or any person acting on their behalf be restrained by interim injunction from evicting applicant from LR: MWIMBI/MURUGI/3763, LR: MWIMBI/MURUGI/3762, LR: MWIMBI/MURUGI/3765, AND LR: MWIMBI/MURUGI/3764 or any part thereof.**
4. **That pending the hearing and determination of this application, the respondents either by themselves, agents, servants or any person acting on their behalf be restrained by interim injunction from preventing, interfering, with the applicant's picking or harvesting her tea bushes growing on LR: MWIMBI/MURUGI/810 as it was then or its sub-divisions.**
5. **That pending the hearing and determination of the main suit herein, the respondents either by themselves, agents, servants or any person acting on their behalf be restrained by interim injunction from preventing, interfering, with the applicant's picking or harvesting her tea bushes growing on LR: MWIMBI/MURUGI/810 as it was then or its sub-divisions.**

**6. Cost of this application be provided for.**

The application was fixed for interpartes hearing on 22.7.2014. The applicant did not appear to prosecute her case. The court could not ascertain whether or not the respondents had been served.

In the circumstances, the application is dismissed with no order as to costs.

It is so ordered.

**Delivered in Open Court at Meru this 22nd day of July, 2014 in the presence of:**

Cc. Daniel/Lilian

**P. M. NJOROGE**

**JUDGE**