



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CIVIL CASE NO.74 OF 2013

GLADYS KIARIO MUTHEE.....PLAINTIFF

VERSUS

JOHN MBAYA KIRIINYA.....1ST DEFENDANT

JULIUS MWORIA KIRIINYA.....2ND DEFENDANT

LAND REGISTRAR MERU CENTRAL.....3RD DEFENDANT

ATTORNEY GENERAL.....4TH DEFENDANT

R U L I N G

There were 2 applications in this matter, both filed by the plaintiff. The application dated 4.3.2014 seeks orders:

1. **THAT the honourable court be pleased to certify this application of utmost urgency and to hear it on priority basis and ex-parte and in the 1st instance.**
2. **THAT the honourable court be pleased to issue an order that the 1st and 2nd defendants JOHN MBAYA KIRINYA and JULIUS MWORIA KIRIINYA be detained in prison for a term not exceeding six months for disobeying a court order.**
3. **THAT costs of the application be provided for.**

The second one dated 6.3.2014 seeks orders

1. **THAT the honourable court be pleased to certify this application of utmost urgency and to hear it on a priority basis and ex-parte and in the 1st instance.**
2. **THAT the honourable court be pleased to issue an order that the 1st and 2nd defendants JOHN MBAYA KIRINYA AND JULIUS MWORIA KIRIINYA be detained in prison for a term to exceeding six months for disobeying a court order.**
3. **THAT costs of the application be provided for.**

On 24.7.2014, Mr. Mutwiri, Advocate holding brief for Gregory Mutuma for the plaintiff asked the Court to Mark the 2 applications withdrawn. These withdrawals were not opposed by the 3rd and 4th defendants. Mr. Murithi for the 1st and 2nd defendant was in Court just minutes before the intention to withdraw the applications was intimated. As he was supposed to be in Court, but was not, the court takes

the view that he does not oppose the withdrawals.

The two applications are, therefore, marked withdrawn with no order as to costs.

In the interests of justice, and in accordance with Section 63, CPA the order of inhibition prayed for in prayer 4 of the withdrawn application dated 6th March, 2013 is granted pending hearing and determination of the suit.

It is so ordered.

Delivered in Open Court at Meru, this 24th day of July, 2014 in the presence of:

Mutwiri h/b Mutuma for plaintiff/applicant

Kieti for 4th and 5th Defendants

P. M. NJOROGE

JUDGE