



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU

E & L NO. 169 OF 2014

GEORGE MWITI ITWARUCHIU.....1ST PLAINTIFF

SILAS MUTHEE M'TURUCHIU.....2ND PLAINTIFF

GERALD MURITHI M'TURUCHIU.....3RD PLAINTIFF

VERSUS

ZIPPORAH MWARI M'TWARUCHIU.....1ST DEFENDANT

CATHERINE KARWIRWA.....2ND DEFENDANT

MARGARET KARAMANA.....3RD DEFENDANT

ANNA KATHONI.....4TH DEFENDANT

JOSEPH BUNDI.....5TH DEFENDANT

RULING

This application is dated 4th November, 2014 and seeks orders:

1. ***THAT*** this Honourable Court be pleased to certify this application as urgent and the same be heard *ex parte* in the first instance.
2. ***THAT*** pending the hearing of this application inter parties this Honourable Court be pleased to issue an Order of inhibition against L. R. No. NTIMA/IGOKI/8818 restricting any kind of dealings with the same.
3. ***THAT*** pending the hearing and determination of this suit this Honourable Court be pleased to issue an order of inhibition and the same be registered against L. R. No. NTIMA/IGOKI/8818 to restrict any kind of dealings and preserve the same.
4. ***THAT*** the order issued herein be served upon the District Land Registrar Meru for registration and compliance.
5. ***THAT*** the costs of this application be provided for.

It has the following grounds:

- (a) ***The defendants are determined to sell the suit land to wit L. R. No. NTIMA/IGOKI/8818 hence***

their determination to have the caution which is registered against the suit land removed.

(b) The plaintiffs have developed the suit land extensively with coffee, gravellia trees, bananas and napier grass.

(c) The suit land is family land and the first defendant holds the same as a trustee of the plaintiffs and other members of the family.

(d) There are no compelling reasons as to why the defendants are seeking to sell the family land.

(e) The first defendant has left her home and she is not willing to reside with the plaintiffs.

(f) The plaintiffs will suffer great loss, prejudice and damage if the land is sold.

(g) It is fair, just and equitable if the orders sought are granted.

During inter partes hearing on 27.11.2014, the respondents were not in Court although the court is satisfied that they were aware of this date. In the circumstances, I confirm prayers 3 and 4 in the application.

Costs shall be in the cause.

It is so ordered.

Delivered in Open Court at Meru this 27.11.2014 in the presence of:

Cc. Arimi

Muthomi for Plaintiffs/Applicant

P. M. NJOROGE

JUDGE