



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**E & L CASE NO.15 OF 2013**

JAMES MURITHI KABETE/PLAINTIFF.....PLAINTIFF

VERSUS

JAMES KANYARU CHABARI .....DEFENDANT

**R U L I N G**

This application is dated 9.1.2013 and seeks orders:

- (a) That this application be certified urgent.**
- (b) That pending the hearing of this motion inter partes, a temporary order of injunction do issue against the Respondent/Defendant, restraining him by himself, his agents or representatives from entering into the suit land, LR. No. Tharaka/Nkondi 'A' /143, harvesting the crops therein or in any other manner, interfere with the suit land.**
- (c) That pending the hearing and determination of this suit, an order of injunction do issue, restraining the defendant, his agents, workmen or representatives from entering into, cultivating, harvesting the Applicant's crops herein or in any manner interfere with the applicant's use and occupation of the land.**
- (d) Costs of the motion be paid to the defendant.**

Prayers (a) and (b) are spent.

The application was fixed for inter partes hearing on 13.8.2013

Mr. Murango Mwenda for the plaintiff/applicant told the Court that the defendant had not filed a memo of appearance and a defence. He also pointed out that the defendant was served with the hearing notice for this application but he had elected to absent himself. In the circumstances, he prayed that the Interim Orders granted on 5.6.2013 be confirmed.

There is an affidavit of service showing that the defendant was properly served. I, therefore, allow the application and award costs to the applicant.

**Delivered at Meru this 27th day of September, 2013 in the presence of:**

Daniel/Mwonjaru

Mwanzia h/b Murango Mwenda for plaintiff

Defendant absent

**P. M. NJORGE**

**JUDGE**