



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT M ERU

E & L CASE NO. 192 OF 2013

ELIJAH

MUTHURI.....
.....PLAINTIFF

VERSUS

JAPHET MWARANIA & 18
OTHERS.....DEFENDANT

RULING

The application herein is dated 18th July, 2013 and seeks orders:

- 1. THAT this Honourable Court be pleased to certify this application as urgent and sevice of the same be dispensed with at the first instance.**
- 2. THAT this Honourbale Court be pleased to issue orders of injunction restraining the Respondents either by themselves, their agents, sevants, employees or anyone acting on their behalf from entering, developing, constructing, cultivating, fencing or in any other way deveolping plots Nos. A to E allocated within Mwangaza area of Isiolo towship irregularly allocated to the Respondents and categorized as commercial or light industries vide PDP Nos. ISL/117/98/330 and ISL/117/96/67 pending the hearing and determinatin of this Application and suit.**
- 3. And or in ther alternaitve, the Court to grant orders of status quo.**
- 4. THAT costs of this Application be provided for.**

Prayer is spent.

During interpartes hearing only the 1st and 3rd defendants were in the Court or represented by an advocate.

Mrs. Kaume for the plaintiffs/applicants said that she was relyiong on the grounds on the face of the Notice of Motion, apposite affidavits and annextures. She pinte out that prayer 3, in the alternative was for the Corut to grant orders of status quo. Mr. Muriithi for the 1st and 3rd defendants

stated that he was not opposed to an order of maintenance of status quo being granted. In the absence of the other defendants, except

1st and 3rd defendants, I deem that they are not opposed to the grant of an order of maintenance of status quo.

I, consequently, grant the following orders:

1. An order of maintenance of status quo as prevailed on the ground on 17.9.2013.
2. Costs will in in the cause.
3. This application is marked as settled.

Written, dated and delivered in open Court at Meru this 17th day of September, 2013 in the presence of:

Cc. Daniel

Mrs. Kaume for Applicant

Muriithi h/b Rimita for 1st and 3rd defendants.

P. M. NJOROGE JUDGE