



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KERUGOYA**

**ELC CASE NO. 14 OF 2013 (J.R)**

SAMUEL GAKONO NGARI .....PLAINTIFF/APPLICANT

VERSUS

JANE WANGECHI KIURA ..... DEFENDANT/RESPONDENT

**RULING**

By his Chamber Summons dated 30<sup>th</sup> August 2011 and filed herein on 2<sup>nd</sup> September 2011 vide Certificate of urgency, the ex-parte applicant SAMUEL GAKONO NGARI seeks leave to apply for an order of certiorari to remove into this Court and quash the decision of the Gichugu Land Disputes Tribunal dated 5<sup>th</sup> November 2009 and adopted as a Court judgment on 6<sup>th</sup> July 2011 awarding the interested party 1¾ acre out of land parcel No. NGARIAMA/THIRIKWA/758 and also Daniel Ngari Muriuki and Jackson Njeru Muriuki 1¼ acre and ½ acre respectively out of the said land. Further, it was ordered by the said Tribunal that Jackson Njeru Muriuki be awarded 1 acre out of parcel No. BARAGWI/KARIRU/1600.

The application is supported by the Ex-parte applicant's affidavit also dated 30<sup>th</sup> August 2011 together with statement of particulars and other annextures.

I have considered the application and the submissions of Ms Fatuma Wanjuku the Ex-parte applicant's counsel.

I am satisfied from the material placed before me that the ex-parte applicant has established sufficient reason to warrant the grant of the orders sought in the said Chamber Summons. I grant the leave sought and further direct that the same shall operate as a stay of the decision of the said Tribunal pending the determination of the Notice of Motion which I direct shall be filed within twenty one (21) days of this ruling being delivered. I further direct that the said Notice of Motion shall be served on all persons affected by it including those named in this Chambers Summons within fourteen (14) days of the filing of the Notice of Motion.

This application shall thereafter be mentioned on 20<sup>th</sup> January 2014. Costs in the cause.

**B.N. OLAO**

**JUDGE**

**9<sup>TH</sup> DECEMBER, 2014**

9/12/2013

Coram

B.N. Olao – Judge

CC – Muriithi

Mr. Mungai for F.F. Wanjiku for Applicant – present

Respondent - absent

COURT: Ruling delivered in open Court this 9<sup>th</sup> day of December, 2013.

**B.N. OLAO**

**JUDGE**

**9<sup>TH</sup> DECEMBER, 2013**