

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
MILIMANI LAW COURTS

CIVIL SUIT 18 OF 2012

BEATRICE WANJIRU NJOROGE

LUCY MUTHONI NJOROGE.....PLAINTIFF/APPLICANT

-VERSUS-

CITY COUNCIL OF NAIROBI..... DEFENDANT/RESPONDENT

RULING

Application dated 6th December 2011 is brought under Order 40 rules 1, 2m 4 and 11 of Civil Procedure Code 2010 and under Section 3A of Civil Procedure Act and Section 145 (p) (v) of Local Government Act Cap.365.

The applicants seeking orders that pending the hearing and determination of this application inter partes and thereafter of the suit the defendant be compelled to collect all pending rent from the applicants or the applicants do deposit their monthly rents when the same falls due into this court. Also that pending the hearing and determination of this suit injunction be granted to restrain the defendant by itself, its servants or agents in any manner from interfering with the applicant's quiet occupation of premises stall No.156 within Kariokor Market and from evicting the applicants therefrom.

The application is grounded on the 19 grounds stated and affidavit Lucy Muthoni Njoroge attached.

The court has perused the application together with supporting affidavit. It is not clear why the defendant a local authority has taken to conduct itself in the manner stated. I order that the applicants shall henceforth deposit all rents to the High Court with notice to the defendant. Temporary injunction is hereby issued against the defendant restraining the defendant by itself its servants and or agents from interfering with the applicant's quiet occupation of the said premises Stall No.157 within Kariokor Market and from evicting the applicants therefrom.

Orders accordingly.

Defendant shall pay costs of this application.

Dated and delivered at Nairobi this 27th June 2012.

J.N. KHAMINWA
JUDGE