



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

ELC NO. 526 OF 2010

OASIS PROPERTIES LTD1ST PLAINTIFF
WANDEMI DEVELOPERS LTD2ND PLAINTIFF
JOSEPH NG'ANG'A NJUGUNA3RD PLAINTIFF
JAMES NJUGUNA MBURU4TH PLAINTIFF
JOHN GITHUA NJUGUNA5TH PLAINTIFF
EDWARD NDUNG'U MEREKA6TH PLAINTIFF
LOISE WANGUI MEREKA7TH PLAINTIFF
JOHN NJENGA NJUGUNA8TH PLAINTIFF
V E R S U S
DANIEL OTIENO MIGANGA1ST DEFENDANT
DAVID J. KOLLAL2ND DEFENDANT
GILBERT THUO MACHARIA3RD DEFENDANT
ROYSA COMMUNITY SELF HELP GROUP.....4TH DEFENDANT

R U L I N G

This application was served but did not elicit any response. The 1st Plaintiff owns L.R. Nos 12803/20, 21, 22, 23, 28, 29, 30, 36, 37, 38, 39, 44 and 45; the 2nd Plaintiff owns L.R. No. 27981/1 formerly L.R. No. 12083 (2-13) and L.R. Nos 12083/14, 17, 18, 19, 24, 25, 26, 40 and 41; the 4th and 5th Plaintiffs own L.R. No. 12803/31; the 5th and 6th Plaintiffs own L.R. 12803/16; and the 8th Plaintiff owns L.R. No. 12803/15. They have produced respective documents of ownership. Their case is that on 2nd November 2010 the Defendants and their agents came onto these parcels by force and caused damage to property, chased away their employees and are purporting to survey the parcels and to create new parcels out of these existing ones. These are *prima facie* acts of trespass, malicious damage and interference with the Plaintiffs right to private property and quiet enjoyment of the same. These acts have to be restrained.

On basis of the principles enunciated in the case of **Giella –Vs- Cassman Brown & Co. Ltd [1973] EA 358**, I allow the application in terms of prayers 3, 4 and 6.

**DATED AND DELIVERED AT NAIROBI
THIS 31ST DAY OF MARCH 2011**

**A. O. MUCHELULE
J U D G E**