



**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**CIVIL CASE NO. 237 OF 2010**

**JAMES WAMBIRU**

**MUKABI.....PLAINTIFF/APPLICANT**

**VERSUS**

**ANN WAIRIMU**

**WANJOHI.....DEFENDANT/RESPONDENT**

**RULING**

The administrators of the estate of late Charles Njuguna Njau, Monica Njoki and Nicholas Njau decided to subdivide NYAHURURU MUNICIPALITY BLOCK 4/154 into three plots, NYAHURURU MUNICIPALITY BLOCK 4/182, 183 and 184. First they sold No.4/182 to the applicant and subsequently sold No. 4/183 and No.4/184 to the respondent.

The applicant now claims that the respondent has began to construct on No.4/182. The respondent, on the other hand is categorical that she is t A represented on the ground by No.4/184 and to the respondent plots B and C represented on ground by 4/183 and 4/182.

Without deciding the merit of the suit, it is sufficient to state that the applicant has, on the strength of his averments, those of the vendor as well as the proposed division, shown a *prima facie* case. As the dispute awaits resolution through a full hearing of the parties, it is only fair and just that the suit property be preserved.

For these reasons, there will be a temporary injunction in terms of paragraph 3 of the chamber summons dated 24<sup>th</sup> September, 2010 pending the hearing and determination of the suit herein.

Costs to be in the cause.

**Dated, Delivered and Signed at Nakuru this 24<sup>th</sup> day of March, 2011.**

**W. OUKO**

**JUDGE**