REPUBLIC OF KENYA

IN THE HIGH COURT

AT BUNGOMA

CIVIL CASE NO.63 OF 2000

NATHAN WANJALA MUINDI ::::::::::::::::::::::: PLAINTIFF

~VRS~

JULIUS WEPUKHULU MUINDI ::::::::::::::::::::::: DEFENDANT

RULING

This is the Defendant's application dated 1/02/2010 seeking for orders against the Plaintiff/Respondent to be restrained from entering, tilling, working or developing or in any way interfering with the Defendant's quiet possession of land parcel no.Kimilili/Sikhendu/456 until the hearing and determination of the suit. The affidavit of Julius Wepukhulu Muindi supports the application.

The Applicant depones that he is the sole proprietor of land parcel no. Kimilili/Sikhendu/456 and annexes a copy of register. The land was bequeathed to him by the High Court, Kakamega in HCCC No.109/1987. The Plaintiff/Respondent claims a portion of the land and has invaded the land with both his sons. The Respondent if not restrained is likely to invade and plough the two acres he is claiming from the land. It is the Applicant's prayer that status quo be maintained.

The Respondent was served with this application but did not oppose it. I have perused the supporting affidavit and the annexures thereto. I am satisfied that the Respondent has made up *a prima facie* case. Copy of judgment shows that the Respondent was given the land in question by the High Court Kakamega in HCCC No.109 of 1985 on the 23/04/1987. The copy of the register shows that the applicant is the registered owner of the land since 16/06/1987. It is my finding that the Plaintiff has satisfied the requirements for injunction as laid down in the case of **GIELLA VRS CASSMAN BROWN.** I find his application merited and I allow it as prayed.

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F. N. MUCHEMI
JUDGE

Ruling dated and delivered in the presence of Mr. Khakula Junior for the applicant on the 10th March,

2011.

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F. N. MUCHEMI
JUDGE