



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

ECL 150 OF 2010

GEOFFREY WANYATURA MWANGI.....PLAINTIFF

VERSUS

PAUL NDIRANGU MWANGI.....1ST DEFENDANT

DANIEL MUHORO MWANGI2ND DEFENDANT

THE LAND REGISTRAR MURANGA.....3RD DEFENDANT

RULING

This is a family dispute. It involves several parcels of land which were created after original titles known as parcel No. Location 3/Mukuria/57 and Location 3/Githumu/245 were subdivided.

There are several allegations of fraud attributed to the 1st defendant and also manipulation of the due process of the lower courts and or tribunals. The main concern of the plaintiff at this stage is that the property may be alienated. The 1st and 2nd defendants are already the registered proprietors. The plaintiff therefore cannot be granted orders to restrain the two defendants from entering or cultivating the said suit properties. However, having gone through the pleadings and the several averments of the parties herein I find that the preservation of the suit properties is the best order that commends itself in these proceedings. To do so will be not be prejudicial to any of the parties.

The other issues raised in the pleadings and the submissions this far are to be determined at the trial and so, the defendants shall not charge ,dispose, alienate , or transfer the suit properties until this suit is heard and finalized. The costs shall be in the cause.

Orders accordingly.

Dated, signed and delivered at Nairobi this 27th day of June, 2011

A. MBOGHOLI MSAGHA

JUDGE