



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MERU

CIVIL CASE NO. 48 OF 2009

LESIIT J.

KAIMBA MUNGAARA.....PLAINTIFF

VERSUS

MUNICIPAL COUNCIL OF MERU.....RESPONDENT

RULING

The application is brought by way of a Notice of Motion dated 26th October 2011. It is brought under Order 40 rule 1 & 2 of the Civil Procedure Rules and section 1A & 1B of the Civil Procedure Act Cap 21 Laws of Kenya.

It seeks the following orders:

1. ...

2. That this honourable court be pleased to grant an order of temporary injunction restraining the Respondent, its agents, servants, employees, assigns or anybody else acting on its behalf or behest from interfering with the Plaintiff's/Applicant's quiet user, occupation and development of all that parcel of land known as Meru Municipality Block 11/316 pending further orders of this court or pending the hearing and determination of this application.

3. That this honorable court be pleased to grant an order of temporary injunction restraining the Respondents, its agents, servants, employees, assigns or anybody else acting on behalf or behest from interfering with the plaintiff/applicants quiet user, occupation and the developments thereon of all that parcel of land known as Meru Municipality Block 11/316 pending the hearing and determination of the suit..

4. That costs be borne by the Respondent.

The application is premised on the following grounds:

(a) That the Respondent is threatening to evict and estop the applicant from continuing with his

developments over all that parcel of land known as Meru Municipality Block 11/316.

(b) That the applicant is the registered owner of the lease hold interest of all that parcel of land known as Meru Municipality Block 11/316.

(c) That it is only fair just and equitable that the orders sought be granted as the applicant shall suffer irreparably.

DATED, SIGNED AND DELIVERED THIS 17TH DAY OF NOVEMBER, 2011

J. LESIIT
JUDGE