



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
CIVIL SUIT NO. 266 OF 2011

- 1. RUMBA KINUTHIA (T/A RUMBA KINUTHIA & CO. ADVOCATES)**
- 2. JOSEPH KARANJA WAMUGI(T/A BARLANY SERVICES & BONUS TRAVEL)**
- 3. JOSEPH OLOO KENYAGAH (T/A MILLENIUM INSURANCE BROKERS)**

(suing on their behalf and on behalf of 15 Others).....**PLAINTIFFS**

VERSUS

CITY COUNCIL OF NAIROBI.....DEFENDANT

RULING

The Plaintiffs' application by **notice of motion dated 14th July 2011** seeks temporary injunction to restrain the Defendant from evicting the Plaintiffs or interfering with their occupation of their respective offices in the Defendant's office building called **City Hall Annexe** situated within Nairobi pending hearing and determination of the suit. The suit is for similar but permanent injunction. The Plaintiffs have pleaded that they are all periodic tenants of the Defendant occupying various offices.

The application was filed under certificate of urgency. The court certified it urgent on 15th July 2011 and directed that the Defendant be served for hearing *inter partes* on 26th July 2011. The Defendant was served on 20th July 2011.

On 26th July 2011 there was no appearance for the Defendant. The court granted interim temporary injunction but directed that the application be heard *inter partes* on 11th October 2011.

On 11th October 2011 there was appearance for the Defendant. Adjournment was sought on its behalf but refused on account of the Defendant not having filed any papers in response to the application despite service of the application on 20th July 2011, nearly three months before. I therefore permitted the application to be presented.

As already stated, the application is unopposed in that no papers have been filed in response. The Plaintiffs are tenants in occupation who are under threat of eviction. The Defendant has already filed defence thus joining issue with the Plaintiffs upon their respective claims. It is therefore only just that the *status quo* be maintained pending disposal of the suit.

I will in the event allow the application by notice of motion dated 14th July 2011. Temporary injunction is granted pending disposal of the suit. The injunctive relief is granted against the undertakings as to damages already filed by the Plaintiffs.

Costs of the application shall be in the cause. It is so ordered.

DATED AT NAIROBI THIS 2ND DAY OF NOVEMBER 2011.

H.P.G. WAWERU

JUDGE

-

DELIVERED AT NAIROBI THIS 4TH DAY OF NOVEMBER 2011.