



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITALE

CIVIL CASE 66 OF 2011

ELISHA MBUYA OORO)

**MILKA OGEMBO
MBOYA).....APPLICANTS/PLAINTIFFS.**

AND

**JOSEPHINE ACHIENG
MBOYA.....RESPONDENT/DEFENDANT.**

RULING

This application sought orders:-

- i) That service of this application be dispensed with ex-parte in the first instance.
- ii) That this Honourable Court be pleased to issue an order of inhibition against Parcel No. Trans-Nzoia/Kipsoen/451 to inhibit all dealings with the said parcel of land pending the hearing and determination of this suit.
- iii) That costs be provided for.

This is the application dated the 27/07/2011 seeking Inter alia for an order of inhibition against Parcel No. Trans-Nzoia/Kipsoen/451 till the determination of the suit.

The application was opposed. That the Respondent is the other wife of the deceased. That this is the land that her family resides on.

Having considered the arguments by both parties the Court makes the following orders; that the land should not be alienated in any way and therefore issue an order of inhibition against Parcel No. Land No. Trans-Nzoia/Kipsoen/451.

In the interest of justice under Section 63 (e) the Respondent to continue occupying the said piece of land.

This matter must be set down for hearing within the next 90 days so that it is determined once and for all.

The costs of the application will be in the cause.

SIGNED

S. M. MUKETI

JUDGE

Read, dated and signed in the Open Court this 20th day of December, 2011.

SIGNED

S. M. MUKETI

JUDGE

Mr. Wanjala for the Respondent

Mrs. Munialo for Wanyama.

SIGNED

S. M. MUKETI

JUDGE