



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**

**Civil Case 103 of 2009**

**MARGROVE INVESTMENTS LIMITED ... PLAINTIFF**

**VERSUS**

**1. ATTORNEY GENERAL**

**2. NATIONAL WATER CONSERVATION &**

**PIPELINE CORPORATION .....DEFENDANTS**

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**RULING**

Before court is the Applicants chamber summons dated 7<sup>th</sup> April 2009 seeking interlocutory mandatory orders in respect of LR NO. MN/VI/3615 (hereinafter referred to as the suit property). I have carefully considered submissions both for and in opposition to this present application. I have also carefully read the annexed affidavits. It is my considered opinion that the interests of justice would be best served by maintaining the status quo pending the full hearing and determination of this suit. As such I do hereby partially grant the prayers in this present application and order as follows:-

(1) THAT the 2<sup>nd</sup> Defendant whether by itself and/or its agents and/or servants and/or employees and/or any person claiming under the 2<sup>nd</sup> Defendant in any manner whatsoever and howsoever be restrained from alienating, transferring charging, leasing and/or sub-dividing in any way whatsoever all that parcel of land known as LR NO. MN/VI/3615 together with all buildings and developments thereon until the hearing and final determination of this suit.

(2) Costs in the cause.

Dated and delivered at Mombasa this 6<sup>th</sup> day of August 2009.

**M. ODERO**

**JUDGE**

Read in open court in the presence of:

Mrs. Kawere for Plaintiff/Applicant

Ms. Ngugi for 2<sup>nd</sup> Defendant/Respondent

No appearance for Attorney General

**M. ODERO**

**JUDGE**

**6.8.2009**