



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

**Civil Suit 164 of 2008**

1. Land Environmental Law Division

2. Subject of main suit: Land

i) L.R. Ndumberi/Riabai/1072

ii) Ownership of land Trust

iii) Injunction to restrain defendant from eviction

3. Application 10<sup>th</sup> April, 2007

i) Injunction to restrain defendant from entering the plaintiff farm land.

4. Respondent served - absent

5. Reasons for injunction

i) The parties are son and father

ii) Father alleges the son declines to honour him, there is no respect

iii) Order to vacate land.

6. Held:

Injunction to issue to restrain defendant from evicting plaintiffs from land.

7. Case Law -Nil

8. Advocate

P.T. Kabue instructed by Kabue Thumi & Co. Advocates for the plaintiff – present

No representation for the respondent/defendant - absent

**JACKSON KAMAU ..... PLAINTIFF**

**VERSUS**

**NELSON C. KARUMA ..... DEFENDANT**

**RULING**

**Application for an injunction**

**I: Background**

1. The plaintiff herein, Jackson Kamau is related to the defendant Nelson C. Karuma, as his biological father.

2. The two fell out due to some misunderstanding not quite clear. The effect was that parties have been to the authorities and no amicable agreement reached.

3. The defendant claimed he built the house the plaintiff resided in 1981. The defendant then proceeded to build trenches around the house after issuing notices to vacate the suit premises on grounds that the plaintiff had no respect for him. Another notice was issued earlier by an advocate of the High Court of Kenya, to have the respondent evicted.

4. A related suit was filed in the Kiambu – magistrate’s court being SRMCC 9/08 that was withdrawn.

5. This court herein has been informed that the plaintiff seeks injunction to restrain the defendant in his action his father who is the registered proprietor.

**II Findings**

6. The matter before me involves a relationship between a father and son. This relationship has deteriorated. The father has failed to attend court. The father further pleads that the plaintiff in matter vacates his premises.

7. I would note the danger that would occur if the defendant is not restrained from his actions. This court grants the injunction and allows the plaintiff quite enjoyment of his stay on the suit land pending the determination of the main suit.

8. There will be cost to the plaintiff.

DATED THIS 17<sup>TH</sup> DAY OF APRIL, 2008 AT NAIROBI

**M. A. ANG’AWA**

**JUDGE**

P.T. Kabue instructed by Kabue Thumi & Co. Advocates for the plaintiff – present

No representation for the respondent/defendant - present

