



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)

Civil Case 1883 of 2007

PETER WACHRIA NJOROGE 1ST PLAINTIFF
MICHAEL GACHIRI NJOROGE 2ND PLAINTIFF
JAMES WACHIRA WAMBUGU 3RD PLAINTIFF
JULIUS KIRUTU GACHIRI 4TH PLAINTIFF

VERSUS

NANCY WAIRIMU KIBUI DEFENDANT

RULING

APPLICATION FOR AN INJUNCTION

DATED 24 AUGUST 2006

I: Background

1. There are 4 plaintiffs in this matter. They filed the Originating Summons in this court on 18 May 2006 seeking prayer for adverse possession to Land LR. Chinga Kiaguthu/399.

2. On the 7 September 2006 the plaintiff filed an application for injunction claiming that the defendant Nancy Wairimu Kibui was in the process of evicting them from the suit land. They prayed that she be restrained till the finalization of this matter.

3. In reply the defendant stated through her advocate that there is no claim for adverse possession as when she had bought the property the plaintiffs had not been on the land for 12 years as her title was not 12 years old.

4. The defendant in reply stated that they had been in possession of the suit premises for 40 years and are entitled to possession.

II: Finding

5. The plaintiffs wish to be heard on the point of ownership of the property more so by way of adverse possession. For this to occur the said parties require to be heard on the said issue and the status on the suit land be marked.

6. I accordingly allow the prayers for an injunction restraining the defendant from cutting, demolition of properties and or interfering with the quite possession of the four plaintiffs occupation.

7. I award costs to the four plaintiffs pending the determination of this suit.

DATED THIS 12TH DAY OF JUNE 2008 AT NAIROBI

M.A. ANG'AWA

JUDGE

J. Anyoka holding brief instructed by M/s K. Mogeni & Co. Advocates for the plaintiff/applicant – present

J.W. Ngata instructed by Gaita & Co. Advocates for th defendant/respondent - present