



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

**Civil Suit 997 of 2006**

**PETER KANINI NDEGWA AND ANOTHER.....PLAINTIFF**

**VERSUS**

**ROBERT WOKABI NGATIA..... DEFENDANT**

**RULING**

**I. Background**

1. The Interested Party applicant and the respondent herein are wife and husband.
2. The interested party alleged that the respondent took their joint property approved the same and sold them without her interest being taken care of. She successfully prayed to be enjoined in this suit where the land in question, now sub-divided into LR Ngong Ngong 23380 , and LR Ngong Ngong 23381 was the subject of this main suit was being disposed off.
3. She filed an application dated 22 April 2008 in which she prayed for an injunction to issue to restrain the respondent from entering, interfering threatening, alleviating the interested party with her quiet occupation.

**II. Application 22 June 2008**

4. The application seeking restraining orders for eviction was opposed on the grounds that the matter is between the respondents. The allegation of fraud is unmaintainable. The suit process was sold by the defendant/ respondent to the plaintiff/ respondent well before the alleged matter.
5. The advocate for defendant / respondent's husband made no response.

**III. Finding.**

6. The interested party's rights require to be considered. There is a prima facie case made out. This court grants an application for injunction for be and is hereby granted as prayed in the application of 22 April 2008 till the finalization of the main suit and interest of the applicant against the respondent/ defendant and plaintiff are determined.

**DATED THIS 29<sup>TH</sup> DAY OF JULY 2008 AT NAIROBI**

**M.A. ANG'AWA**

**JUDGE**

M.M. Muriuki instructed by M.M. Muriuki & Co. Advocates for the plaintiff/Respondent

E. Rashid instructed by e. Rashid & Co. Advocates for the Interested Party/applicant – present

A.K. Ambani instructed by A.K. Ambani & Co. Advocates for the defendant/Respondent.