



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

**Civil Case 212 of 2008**

**UNITY 45 HOUSING CO-OPERATIVE SOCIETY LTD .....PLAINTIFF**

**VERSUS**

**JOHN KIMANI ..... 1<sup>ST</sup> DEFENDANT**

**PETER KIMULI NGULI ..... 2<sup>ND</sup> DEFENDANT**

**JOHN NDUNGU MURIMI ..... 3<sup>RD</sup> DEFENDANT**

**RULING**

**APPLICATION FOR AN INJUNCTION**

**I) Background**

1. The plaintiffs herein are a land buying company. They are the registered owner of LR 11531/9 (Originally LR 11531/4/5) survey 193896 IR71208 (RTA Cap.281). This property was intended for their members.

2. The three defendants herein John Kimani, Peter Kimuli, John Ndungu Murimi entered the said land on 22 February 2008, 26 March 2008, 25 April 2008 and began to destroy the beacons and setting up their own surveyor and went to claim the land as theirs.

3. The plaintiffs pray for an injunction against the three so as to restrain them from interfering with land.

4. The three are neither members of the plaintiff company, nor are they on the land previously to claim for adverse possession.

**II: Finding**

5. The plaintiffs on being served are absent. They are aware of the date of the application.

6. This court finds a prima facie case has been made out. An injunction order is accordingly issued till the determination of suit with costs to the plaintiff.

DATED THIS 1<sup>ST</sup> DAY OF JULY 2008 AT NAIROBI.

**M.A. ANG'AWA**

**JUDGE**

H.J. Koge instructed by H.J. Koge & Co. Advocates for the plaintiff/applicant – present

Defendants unrepresented - absent