

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MERU

Civil Case 57 of 2007

CHARLES MUNENE PLAINTIFF

VERSUS

WERU TEA FACTORY CO.LTD DEFENDANT

RULING

This is yet another application against the respondent seeking that it pays to the applicant Kshs.74,385/= in green tea leaves received by the respondent.

It is a relief for a mandatory injunction which can only be granted at this stage in very clear cases and where there are special circumstances. The dispute in this application is not clear as I have not heard the respondent.

There are no special circumstances which would warrant the grant of interlocutory mandatory injunction. It is only after hearing the suit, either in the absence of the respondent or *interpartes* that such a relief can be granted.

Clearly from the affidavit in support of this application, the applicant has intimated that the reason why the respondent has refused to pay up.

It would be premature to grant the relief sought. In the result this application must fail and is dismissed.

There will be no orders as to costs.

DATED AND DELIVERED AT MERU THIS 3RD DAY OF OCTOBER, 2007

W. OUKO

JUDGE