



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

**AT EMBU**

**CIVIL SUIT 115 OF 2006**

**NYAGA MURIUKI.....PLAINTIFF**

**VERSUS**

**WARIIMI GATERI ..... 1<sup>ST</sup> DEFENDANT**

**NJUKI GATERI.....2<sup>ND</sup> DEFENDANT**

**NJERU GATERI.....3<sup>RD</sup> DEFENDANT**

**RULING**

Application dated 8/6/2007 seeks to commit the Respondents to civil jail for failing to obey court order “that the status quo be maintained”

In respect of parcel No. Gatari/Nembure/3737 the Applicant had sought restraining orders against the defendants that they be restrained from cutting down coffee trees digging terraces, trenches and damaging crops until suit is heard and determined. The applicant has not proved that these acts have been committed. He complains that the Respondent continues to subdivide the land and he has exhibited. Mutation form dated 23/11/2006. This form was completed in the year 2006 and was not part of the things mentioned in the application.

I find the Respondents have not committed any breach of order of “maintaining status quo”.

The application is dismissed.

Dated this 9<sup>th</sup> November, 2007.

**J. N. KHAMINWA**

**JUDGE**

**9/11/2007**

**Khaminwa – Judge**

**Njue – Clerk**

**Nyaga Muriuki- Plaintiff present in person**

**Wairimu Gacheri – Defendant present in person**

Read in open court.

**J .N. KHAMINWA**

**JUDGE**