



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Civil Case 417 of 2007

1. Land and Environmental Law Division
2. Subject of main suit Land
 - i. IR Kajiado/Elangata/WAUS/612
 - ii. Land buying Ranch issued tile deed

LR Kajiado/Elangata WAUS/612 belonging to the applicant to the 1st defendant

iii. New title deed issued LR Kajiado/Elangata WAUS/37 to the applicant that does not belong to her and is very far away.

iv. Has been in her land for over 18 years.

3. Application for injunction dated 26 July 2007. Defendant served – field no reply.

4. Held: Injunction to issue title the determination of the main suit.

5. Case law – Nil

6. Advocates:

K. Charagu of Kimani Charago & Co. Advocates for the plaintiff/applicant – present

L.W. Kamau & Co. Advocates for the 1st -4th defendant/respondent – present for ruling only.

J.G. Atanda for attorney General – present 5th defendant

WANJIRU NJUGUNA KILAMAPLAINTIFF

VERSUS

LATE KITUNGAT NYAPAIWA1ST DEFENDANT

JOEL KANCHORI OLE SINKEEN 2ND DEFENDANT

DANIEL KISHIL OLE NKINYI 3RD DEFENDANT

AMOS TAJAYIA SANKITI 4TH DEFENDANT

DISTRICT LAND REGISTRAR 5TH DEFENDANT

RULING

I: Background of application.

1. Wanjiru Njunge Likana a widow has been living on land parcel Kajiado/Elangata WUAS/612 for over 18 years. The land had been acquired through a land buying company group Ranch.
2. The company or Rank had issued her with a title deed being Jajiad/Elangata/WAUS/37 not being title to land that was hers and was very fr from where she resides. She stated that this could have been a mistake and asked if he register would be amended for her to get the correct title to her land.
3. She filed this application for injunction to restrain the said defendant No.1 from evicting her from her rightful land. The land was by now in the name of he defendant.
4. The respondent/defendant filed no grounds of apposition to this application

II: Application for injunction dated 26 July 2007.

5. The plaintiff/applicant prays for an injunction against the 1st defendant, his agent and or servant from entering or working on the parcel of land Kajiado/Elangata WAUS/612 pending the determination of this suit.
6. There is a reasonable fear on the part of the plaintiff applicant that she may be forcefully evicted from her parcel of land as her land is now in the name of the 1st defendant.
7. I grant the application for injunction against the 1st defendant with costs to the plaintiff/applicant.

Dated this 8th day of November 2007 at Nairobi.

M.A. ANG'AWA

JUDGE

K. Charagu of Kimani Charago & Co. Advocates for the plaintiff/applicant – present

L.W. Kamau & Co. Advocates for the 1st -4th defendant/respondent – present for ruling only.

J.G. Atanda for attorney General – present 5th defendant