

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

H.C.CIVIL CASE NO.112 OF 2003

**MONICA NEKESA MAKOKHA (Suing as an Administrator of the
Estate of PANCRAS TOBIAS MAKOKHA
(Deceased)..... PLAINTIFF**

VERSUS

DOMINIC MURUNGA WANGA RESPONDENT

RULING

The Applicant by her chamber Summons of the 6th February 2003 applies for an injunction to restrain the Defendant from using, wasting, alienating, selling, damaging, disposing or transferring the suit premises pending the determination of this suit.

The Defendant objects to the order being sought on the grounds that this court has no jurisdiction to deal with, in the matter as the dispute between the parties falls with the provisions of section 3(1) of the Land Dispute Act. (The Act). The relief sought in the plaint is for the said injunction and for an order that an account

I am not concerned with that relief at present but only the question of the jurisdiction of this Court.

In the first instance the Land Dispute Tribunal has no power to grant an injunction. Secondly the Amendment of section 12 of the Act only relates to the jurisdiction of the Magistrates conferred on them by the Magistrate's Courts Act. This court therefore has jurisdiction to deal with this matter and indeed is the only forum where the question of an injunction can be dealt with.

I therefore dismiss the preliminary point with costs to the Plaintiff. The matter can not be argued on the merits of the application.

Dated and delivered at Nairobi thisday of2003

P.J. RANSLEY

JUDGE