

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MACHAKOS
CIVIL CASE NO. 245 OF 2000

REBECCA MWIKALI MAKITI :::::::::::::::::::::::::::::: PLAINTIFF
VERSUS

WILSON MUTAVA NDONYE :::::::::::::::::::::::::::::: DEFEN DANT

Coram: J. W. Mwera J.
Applicant in person 10
Respondent in person
C.C. Muli

RULING

The plaintiff/applicant acting in person filed her chamber summons here on 31.1.2001 under what the contents and, later, submission revealed that she sought orders under O 39 rr. 1, 2 Civil Procedure Rules. She pleaded that by virtue of a grant to administer the estate of her late husband one Joseph Makiti Ndavi she succeeded to that land parcel of land known us KALAMA/KATANGA/27. She displayed a title deed 20 thereto. Her plea to court was that the Respondent be restrained from interfering with the plaintiff's quiet possession of the said land without threat etc from the Respondent.

On his part the Respondent also in person told the court that his grandfather gave land to the family of Ndavi, into which the plaintiff married, to settle. That that went on, through the time of his own father but that when he, the Respondent, was away working, adjudication took place whereupon the plaintiff's family took a chunk from the Respondent's family land and made it their own. That should be the source of this feud, the court took it.

After hearing both sides the plaintiff who has a title to the land in dispute has made out a prima facie case to warrant a temporary injunction until the suit herein is 10 finally disposed of or further orders of the court.

Orders granted with costs.

Delivered on 21st March 2001.

J. W. MWERA
JUDGE