

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MACHAKOS
CIVIL CASE NO. 95 OF 2000**

**LAZARO IVIA SUKU ::::::::::::::::::::::::::::::::::: PLAINTIFF
VERSUS
NZULA JOSEPH SUKU & 4 OTHERS::::::::::::::::::::: DEFENDANT**

**Coram: J. W. Mwera J.
Applicant in person 10
Mungata Advocate for Respondent
C.C. Muli**

R U L I N G

The plaintiff's injunction application followed a suit he filed against the 5 defendants – a mother (1st defendant) and her four sons that they should be restrained from cultivating on his land parcel No. MITABONI/MUTITUNI/603 registered in his name. He stated and submitted in person that he got this land from his late father Suku who was also the father of Joseph Suku, the husband of the 1st defendant and 20 father of all the other defendants. That Joseph who is still alive initially moved away from plot No. 603, apparently where all the family lived before subdivision by the late Suku, to his land at Mutituni. Apparently he left it to go and settle at a place called Kambu. This the court heard from the 1st defendant speaking on behalf of all the defendants. She conceded that she was not registered over this land but that she was getting on it because it once belonged to her father-in-law Suku. That Joseph Suku

her husband abandoned her with her children (the other defendants) to go and live at Kambu with another wife. So she was stuck on the plaintiff's land.

Having heard both sides the defendants are restrained from interfering with the plaintiff's land No. 603 until this case is heard and determined. It looks like she and her children could only wage a right to land belonging to Joseph Suku who is still alive and appears not keen to interfere with his brother Lazaro the plaintiff. Be that as it may. Injunction granted. 10

Orders accordingly.

Delivered on 18th July 2001.

**J. W. MWERA
JUDGE**