

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL CASE 644 OF 1993

BENTA OCHANDA & 2 OTHERS.....PLAINTIFF

-VERSUSJUMA

IBRAHIM.....DEFENDANT

The plaintiffs filed a suit on their behalf and those of the residents of Kapiti Estate 'B'. In their suit they claim that the land marked in the City Council Plan No. 60038 (71/103) located between the Kapiti Road and Zanzibar road was set out as children's playground. On the 28th April, 2000 the defendant put up a perimeter fence with blocking both entrances to this land and with the intention of putting up some developments.

According to the defendant's this land was irregularly allocated to the defendant. The plaintiff applied and were granted a temporary orders restraining the defendant from proceeding with development until the application was heard inter parties.

On 11.7.2000 at the invitation of the counsels, I visited the land in dispute at the Estate. While there Mr. Githinji for the Defendant raised the point that the land referred to in the application was different from the land now shown to the court. He showed the court the land which

Delivered at Nairobi this 10th day of February, 2000.

KASANGA MULWA

JUDGE