



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CIVIL CASE 2214 OF 1999**

**JOSEPH WAWERU MWANGI.....PLAINTIFF**

**-VERSUS-**

**THE ATTORNEY GENERAL & ANOTHER.....DEFENDANT**

**RULING**

In this application the applicant is asking for an Order to restrain the 2nd Respondent from entering or interfering in any manner with the land L.R. Escarpment/Kinari/Block1/230.

The application is supported by an affidavit sworn by Joseph Waweru Mwangi . He depones that this land was allotted to him and he is in possession since allocation. He annexes the Title Deed, which shows that the land is his. The certificate of search whose copy is also annexed confirms that the land is his. The need for this application arose when the Chief of Kinari Location in Lari Division fenced off some of the land and informed the applicant that part of the land thus fenced belonged to somebody else.

The applicant has filed a suit in which he has asked for a permanent injunction against the 2nd Defendant. The evidence before the court shows the applicant as the owner of the land. The production of the Title Deed which describes the land and has the name of the applicant is very strong evidence of ownership. With this evidence, the suit filed by the applicant has a probability of success. As it is now the 2nd defendant would be trespassing by interfering with this land so long the title deed shows the applicant as the owner. The applicant would be entitled to an injunction as he has fulfilled all the conditions necessary for an injunction.

The application is therefore allowed. The 2nd Respondent is hereby restrained from entering or and interfering with the suit land in any manner.

The 2nd Respondent will also remove any structures he erected on the land within seven days.

The 2nd Respondent will pay the cost of this application.

**Delivered and dated at Nairobi this 1st day of August, 2000.**

**KASANGA MULWA**

**JUDGE**