



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Mwaura v Muriithi & 7 others (Environment & Land Case
E021 of 2023) [2025] KEELC 3614 (KLR) (6 May 2025) (Ruling)**

Neutral citation: [2025] KEELC 3614 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MURANGA
ENVIRONMENT & LAND CASE E021 OF 2023**

MN GICHERU, J

MAY 6, 2025

BETWEEN

ISAAC WAWERU MWAURA PLAINTIFF

AND

FRANCIS MWAI MURIITHI 1ST DEFENDANT

PETER NDUNGU MURIITHI 2ND DEFENDANT

MONICA WANJIRU MURIITHI 3RD DEFENDANT

JANE MUTHONI MURIITHI 4TH DEFENDANT

PATRICK MUIRURI MURIITHI 5TH DEFENDANT

JOHN MUIRURI MURIITHI 6TH DEFENDANT

MARGARET WANJIKU MURIITHI 7TH DEFENDANT

JACKSON NDUATI MURIITHI 8TH DEFENDANT

RULING

1. This ruling is on the Notice of Motion dated 15-8-2024. The motion which is brought under Article 50 of the *Constitution*, Order 51 rule 1 of the Civil Procedure Rules, sections 1A, 1B and 3A of the *Civil Procedure Act*, Section 68 of the *Land Registration Act* and all other enabling provisions of law is by the Applicant.
2. The said motion seeks the following Orders.
3. An order that the status quo prevailing on the suit parcel, ie L.R. No Mitubiri/Wempa/Block 1/737 at the time of filing this case be maintained pending the hearing and determination of this case.



4. Costs of this motion be provided for.
3. The motion is based on fourteen grounds and is supported by an affidavit of the Applicant dated 15/8/2024. The affidavit has one annexure.
4. In brief the Applicant urges as follows. One, he has been in possession of the suit land since the year 1999 when he was put in possession by the registered owner Muriithi Mwei. Two, on 29/1/2024, the Respondents obtained a confirmed grant in Kandara Succession cause NO. E387 of 2022 naming the 2nd Respondent as the sole beneficiary of the suit land. Three, even though the Respondents are aware of this suit, they have engaged the firm of Munene Law and Company advocates to deal with the suit land as the case pends. Four, if the order sought is not allowed, the suit land could be alienated before the conclusion of the suit. Five, the Applicant has been in continuous and uninterrupted occupation of the land since 1999 and has sued to be declared owner thereof through adverse possession. It is only fair that the status quo be maintained so that the substratum of the suit remains intact until the conclusion of the suit.
5. The motion though served is unopposed by the Respondents who have not file a reply affidavit or grounds of opposition.
6. I have carefully considered the motion in its entirety including the grounds, affidavit, written submissions and the record. I find that it is fair and just to order that the status quo be maintained. In this connections, I issue and order of inhibition prohibiting any dealings with the suit until the hearing and determination of this suit.

Secondly, I order that the status quo on the ground be maintained so that the Applicant remains in occupation pending the hearing and determination of the suit.

Costs in the cause.

It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY AT MURANG'A THIS 6TH DAY OF MAY 2025

M.N. GICHERU

JUDGE

Delivered online in the presence of

Court Assistant – Mwangi Njonjo

Applicant's Counsel - Miss Wanjiru

Respondent's Counsel – Absent

