



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 258 OF 2017

FORMERLY MERU ELC. CASE NO. 116 OF 2017

ALVIN MBAE.....1ST PLAINTIFF

ALICE MBIRO (THRO' ALVIN MBAE AS NEXT FRIEND)2ND PLAINTIFF

WILSON MBAABU.....3RD PLAINTIFF

VERSUS

KINYUA MUKATHA.....1ST DEFENDANT

MONICA K. MUGO.....2ND DEFENDANT

ANDERSON NKONGE MUGO.....3RD DEFENDANT

RULING

1. This application is dated **1st March, 2021** and seeks the following orders:

1.THAT due to the nature and the Urgency of the Instant application, the same be heard *Ex-Parte* and on priority basis.

2.THAT this Honourable Court be pleased to Grant Leave for the firm of M/S WAKLAW Advocates to come on record for the Applicants/Defendants **and to act alongside**, the firm of Kiogora Mugambi & Co. Advocates in the Instant Suit.

3.THAT this Honourable Court be pleased to recall the eviction Orders issued to BEELINE AUCTIONEERS and the same be allocated to by M/S QUICKLINE AUCTIONEERS.

4.THAT this Honourable Court be pleased to direct the District Surveyor Meru South to visit the Suit Lands LR. MWIMBI/MURUGI/1715 and 1716 and its adjacent Land Parcels and **identify and restore the boundaries** as per the Registry Index Map (R.I.M) Sheet No. 18, Murugi Registration Section, for the purpose(s) of execution of the eviction Orders against the Respondents/Plaintiffs.

5.THAT this Honourable Court be pleased to issue such further Orders that would be expedient to meet the ends of Justice in the Instant Suit.

6.THAT the cost of this application be costs in the Cause.

2. The application has the following grounds:

a) **THAT** M/S BEELINE AUCTIONEERS have deliberately failed and/or ignored to execute this Honourable Court Orders issued on 2nd December 2020.

b) **THAT** it is in interest of Justice that the destroyed boundaries on LR. MWIMBI/MURUGI/1715 and 1716 be restored to facilitate the execution of this Honourable Court Orders issued on 2nd December 2020.

c) **THAT** unless the Orders sought are granted, the Court Orders issued on 2nd December 2020, **shall be in vain** and subject the

Applicants/Defendants suffer irreparable loss and damage.

d) **THAT** the Respondents/Plaintiffs **and who have not Appealed against the Orders issued on 2nd December 2020**, will not suffer any prejudice if the Orders sought by the Applicants/Defendants are issued *Ex-Parte*.

3. Mr. Kirimi Muturi the applicant's advocate asked the court to grant prayers 2, 3 and 4. Prayer 2 was for his firm Waklaw Advocates to come on record for the applicants/defendants alongside the firm of Kiogora Mugambi.

4. I note that prayers 3 and 4 are meant to facilitate implementation of this court's orders.

5. In the circumstances, I issue the following orders:

a) Prayers 2, 3 and 4 are granted but for prayer 3, there should be proper liaison with this court's Deputy Registrar.

b) Costs shall be in the cause.

Delivered in open Court at Chuka this **3rd day of March, 2021** in the presence of:

CA: Ndegwa

Kirimi Muturi for the applicants

P. M. NJOROGE,

JUDGE.