



**Ndiritu v Gichuhi (Environment & Land Miscellaneous Case
E126 of 2024) [2024] KEELC 6600 (KLR) (9 October 2024) (Ruling)**

Neutral citation: [2024] KEELC 6600 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND MISCELLANEOUS CASE E126 OF 2024
LN MBUGUA, J
OCTOBER 9, 2024**

BETWEEN

HANNAH WAMBUI NDIRITU APPLICANT

AND

JAMES MAINA GICHUHI RESPONDENT

RULING

1. Before me is the plaintiff's Notice of Motion application dated 10.7.2024 seeking the following orders:
 - i. That the Respondent be evicted from the Applicant's property known as Runda Evergreen House No. 62. B.
 - ii. That an order be issued prohibiting the Respondent from trespassing on the Applicant's aforesaid property.
 - iii. That a restraining order be issued against the Respondent to prevent any form of contact or violence towards the Applicant.
 - iv. That the Officer Commanding Station (OCS) Runda Police Station to ensure compliance with the above orders.
 - v. That this Honourable Court grant any other orders that it deems just and fit to grant."
2. The applicant contends that she is a tenant in the house Runda Evergreen no. 62 B (the suit premises). That in August 2023, she allowed the respondent to stay in the suit premises, but he has become emotionally and physically violent, thereby affecting the health and well being of the applicant.
3. The application was swerved but no response was filed.



4. I have considered the arguments raised by the applicant including her submissions. The applicant is seeking an order of eviction against the respondent, which happens to be one of the reliefs sought in the plaint at prayer no 2. Ordinarily, it would not be proper to grant a major relief at the interlocutory stage. See Daniel Atibu Jasimba v Ainea Sandanyi Magana [2013] eKLR.
5. However, it appears that the applicant is no longer safe with the respondent around. To this end, I am in agreement with the submissions including the authorities proffered by the applicant that the said applicant may suffer irreparable harm if the orders sought are not granted.
6. Thus the application dated 10.7.2024 is allowed as drawn.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 9TH DAY OF OCTOBER, 2024 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:-

Mwangi Kuria for the Plaintiff

court Assistant: Joan

