



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT NAIROBI

ELC. PETITION NO. 45 OF 2017

TERESIA WAIRIMU KIRIMA (suing on behalf of the Estate of

GERISHON KAMAU KIRIMA).....PETITIONER

VERSUS

CORNER STONE INVESTMENT LIMITED.....1ST RESPONDENT

NAIROBI CITY COUNTRY GOVERNMENT.....2ND RESPONDENT

CHIEF LAND REGISTRAR.....3RD RESPONDENT

MINISTRY OF LAND, HOUSING & AMP, URBAN DEVELOPMENT.....4TH RESPONDENT

RULING

1. This ruling is in respect of the application dated 6.7.2021 filed by the 1st Respondent seeking injunction orders against the Petitioner. The Applicant contends that he is not only in possession of the suit land LR 209/11092/16 IR.NO.75352, but he is also the registered owner thereof. He avers that without any claim of right, the Petitioner invaded the property on 28.6.2021. That the Petitioner went ahead to put her agents therein and the Applicant is unable to gain access to the property.

2. The Respondent/Petitioner has denied the claim of the 1st Respondent averring that it is the family of Gerishon Kamau which has always been in possession of the suit land. That it is the 1st Respondent who was attempting to gain entry into the premises, forcefully.

3. I have weighed all the material presented before me. The Court cannot deal with the contested issues at this stage. Noting that the matter is already ripe for trial, and there being an order given on 5.10.2021 for the date of hearing (9.2.2022) to remain, intact, then I find that in terms of the overriding objective set out in **Section 1, 1A and 1B** of the **Civil Procedure Act** it is not prudent to grant the orders.

4. In the circumstance, parties are urged to focus on the main trial.

The application is dismissed. Costs shall abide in the outcome of the suit.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 9TH DAY OF FEBRUARY 2022 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:-

Mr. Mulekyo for the Petitioner

Mr. Muriithi for the 1st Respondent

Osoro for the 2nd Respondent

