



**Ruhiu v Githinji & 2 others (The Office Bearers of Umoja II Residents' Welfare Association) (Environment and Land Case Civil Suit E145 of 2022) [2022] KEELC 2898 (KLR) (7 July 2022) (Ruling)**

Neutral citation: [2022] KEELC 2898 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI  
ENVIRONMENT AND LAND CASE CIVIL SUIT E145 OF 2022**

**LN MBUGUA, J**

**JULY 7, 2022**

**BETWEEN**

**HENRY RUHIU ..... PLAINTIFF**

**AND**

**JAMES MACHARIA ..... 1<sup>ST</sup> DEFENDANT**

**BURTON WACHIRA GITHINJI ..... 2<sup>ND</sup> DEFENDANT**

**NANCY MURUGU ..... 3<sup>RD</sup> DEFENDANT**

**THE OFFICE BEARERS OF UMOJA II RESIDENTS' WELFARE ASSOCIATION**

**RULING**

1. Before me is a notice of motion application dated April 14, 2022 in which the plaintiff is seeking injunctive orders against the defendants. The plaintiff is also seeking an eviction order to remove the defendants from the suit parcel No. Nairobi/Umoja Block 107/1/1057.
2. The defendants have not filed any response to the application.
3. A perusal of the plaint reveals that the plaintiff is seeing injunction orders as well as orders of eviction in the main suit. Thus if this court was to grant the orders of injunction and eviction at this stage it would amount to issuance of major reliefs sought in the main suit.
4. In the case of *Daniel Atibu Jasimba V. Ainea Sandanyo Magana* [2013] eKLR the court stated that:

“Since the plaintiff’s suit is for eviction of the defendant from the said residence, such an injunction will amount to granting a major relief in the suit without the benefit of a hearing.”



5. In light of the above analysis, I find that the application dated April 14, 2022 is not merited. The same is hereby dismissed with no orders as to costs.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 7TH DAY OF JULY, 2022 THROUGH MICROSOFT TEAMS.**

**LUCY N. MBUGUA**

**JUDGE**

**In the presence of:-**

**Shikanda holding brief for Ann Were for the Plaintiff/Applicant**

**Court Assistant: Eddel**

