



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT CHUKA**

**MERU ELC SUIT NO. E020 OF 2021**

FAITH KARAMBU .....1<sup>ST</sup> PLAINTIFF /APPLICANT  
JAMES MURIAN M'IMUKUU.....2<sup>ND</sup> PLAINTIFF/APPLICANT  
NANCY IKOLOMI MITHAKA.....3<sup>RD</sup> PLAINTIFF/APPLICANT  
GEORGE MWINGIRWA M'IMUKUU.....4<sup>TH</sup> PLAINTIFF/APPLICANT  
EDWARD GIKUNDI M'IMUKUU.....5<sup>TH</sup> PLAINTIFF/APPLICANT  
JANE KANANU M'IMUKUU.....6<sup>TH</sup> PLAINTIFF/APPLICANT  
JOTHAM MWENDA M'IMUKUU.....7<sup>TH</sup> PLAINTIFF/APPLICANT

**VERSUS**

EUNICE WAMBUI MUKIRI.....1<sup>ST</sup> DEFENDANT/RESPONDENT  
JAMES MWENDA.....2<sup>ND</sup> DEFENDANT/RESPONDENT  
MARTHA MUKORURU MUKARIA.....3<sup>RD</sup> DEFENDANT/RESPONDENT  
MURIUNGI ANJELIO.....4<sup>TH</sup> DEFENDANT/RESPONDENT  
MUTIRITHIA KIRAITHE.....5<sup>TH</sup> DEFENDANT/RESPONDENT  
MOSES KITHINJI LITHARA.....6<sup>TH</sup> DEFENDANT/RESPONDENT  
FLORENCE MUTHONI KITHINJI.....7<sup>TH</sup> DEFENDANT/RESPONDENT  
EDWARD NDEKE KIRIUNGI.....8<sup>TH</sup> DEFENDANT/RESPONDENT  
CHRISTINE KARWITHA MBAABU.....9<sup>TH</sup> DEFENDANT/RESPONDENT  
STANLEY MWENDA JOSHUA.....10<sup>TH</sup> DEFENDANT/RESPONDENT  
MARITHA INKO M'AMBU TU.....11<sup>TH</sup> DEFENDANT/RESPONDENT  
GEOFFREY KITHINJI M'TWARUCHIU.....12<sup>TH</sup> DEFENDANT/RESPONDENT  
KENNETH MUNENE.....13<sup>TH</sup> DEFENDANT/RESPONDENT  
NAMAN MUTUMA MUGAA.....14<sup>TH</sup> DEFENDANT/RESPONDENT

NICHOLAS MUTETHIA.....15<sup>TH</sup> DEFENDANT/RESPONDENT  
GEDION KAINDIO MAINGL.....16<sup>TH</sup> DEFENDANT/RESPONDENT  
MERU COUNTY GOVERNMENT.....17<sup>TH</sup> DEFENDANT/RESPONDENT  
THE LAND REGISTRAR MERU NORTH.-18<sup>TH</sup> DEFENDANT/RESPONDENT  
THE HON. ATTORNEY GENERAL.....19<sup>TH</sup> DEFENDANT/RESPONDENT

**RULING**

1. This application states that it has been brought to court under Order 40 Rule 1, 2 and 3, Order 51 of the Civil Procedure Rules 2010, Section 68, 69 and 70 of the Land Registration Act 2012, and sections 3A and 63 (e) of the Civil Procedure Act Cap 21 and any other enabling provisions of the law.

2. The application seeks the following orders:-

1. That this application be certified urgent and service thereof be dispensed with in the first instance.

2. That this honourable court be pleased to issue conservatory orders in the nature of an inhibition against the respondents by themselves, their agents, servants, employees, transferees, family members, purchasers or anyone acting on their behest restraining them from any dealings with the register of the titles to land parcels Nos.

Thau/Mumui/230,

Thau/Mumui/321

Thau/Mumui/398

Thau/Mumui/409

Thau/Mumui/Thau/Mumui/411

Thau/Mumui/412

Thau/Mumui/475

Thau/Mumui/476

Thau/Mumui/478

Thau/Mumui/479

Thau/Mumuiu/480

Thau/Mumui/504

Thau/Mumui/694

Thau/Mumui/695

Thau/Mumui/696

Thau/Mumui/697 and

Thau/Mumui/698 pending the hearing and determination of the application herein and the main suit.

3. That this honourable court be pleased to issue injunctive orders restraining the Respondents by themselves, their agents, servants, employees, transferees, family members, purchasers and/or anyone acting on their behest from entering, trespassing, cultivating, alienating, constructing, selling and/or interfering with the quiet user and occupation of the applicants or otherwise dealing in any way with the applicants' parcels of land known as:

Thau/Mumui/230,

Thau/Mumui/321

Thau/Mumui/398

Thau/Mumui/409

Thau/Mumui/Thau/Mumui/411

Thau/Mumui/412

Thau/Mumui/475

Thau/Mumui/476

Thau/Mumui/478

Thau/Mumui/479

Thau/Mumui/480

Thau/Mumui/504

Thau/Mumui/694

Thau/Mumui/695

Thau/Mumui/696

Thau/Mumui/697 and

Thau/Mumui/698 pending the hearing and determination of this application and the main suit herein.

4. Costs of this application be provided for.

3. This application is supported by the affidavit of Faith Karambu, the 1<sup>st</sup> defendant and has the following grounds:

a) The 1<sup>st</sup> Applicant is the actual bona fide and legal owner of the parcels of land known as Thau/Mumui/230, Thau/Mumui/321 and Thau/Mumui/398 which land has been illegally and unprocedurally registered in the names of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents.

b) The 2<sup>nd</sup> Applicant is the actual bona fide and legal owner of the parcels of land known as Thau/Mumui/409, Thau/Mumui/Thau/Mumui/411 and Thau/Mumui/412 which land has been illegally and unprocedurally registered in the names of the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> respondents.

c) The 3<sup>rd</sup> Applicant is the actual bona fide and legal owner of the parcels of land known as Thau/Mumui/475, Thau/Mumui/476 and Thau/Mumui/478 which land has been illegally and unprocedurally registered in the names of the 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> respondents.

d) The 4<sup>th</sup> Applicant is the actual bona fide and legal owner of the parcels of land known as Thau/Mumui/479 and Thau/Mumui/480 which land has been illegally and unprocedurally registered in the names of the 10<sup>th</sup> and 11<sup>th</sup> respondents.

e) The 5<sup>th</sup> Applicant is the actual bona fide and legal owner of the parcels of land known as Thau/Mumui/504 and Thau/Mumui/694, which land has been illegally and unprocedurally registered in the names of the 12<sup>th</sup> and 13<sup>th</sup> respondents.

f) The 6<sup>th</sup> applicant is the actual bona fide and legal owner of the parcels of land known as Thau/Mumui/695 and Thau/Mumui/696 which land has been illegally and unprocedurally registered in the name of the 14<sup>th</sup> and 15<sup>th</sup> respondents.

g) The 7<sup>th</sup> applicant is the actual bona fide and legal owner of the parcels of land known as Thau/Mumui/697 and Thau/Mumui/698 which land has been illegally and unprocedurally registered in the names of the 16<sup>th</sup> and 17<sup>th</sup> respondents.

h) That the respondents have no title, interest, nexus or claim whatsoever relating to the aforementioned parcels of land all of which legally belong to the applicants herein by virtue of the fact that the said parcels all belonged to the applicants' deceased father, one M'Imukuu Mwenda Ngambe as one whole parcel of land measuring approximately 9.24 Ha which the applicant's deceased father acquired back in 1979 through gathering.

i) That the respondents have conspired to have the said parcel of land illegally and secretly transferred into their respective names without consent, color or right and/or authority.

j) That the respondents have illegally acquired title deeds to the disputed parcels of land in a bid to deprive the applicants of their respective proprietary rights.

k) That unless inhibition and injunctive orders are issued, the applicants and their families will suffer irreparable loss and damage.

4. At the ex-parte stage M/s Mwiti told the court that at that stage she only sought prayer No. 2 for inhibition after which she would serve the application upon the respondents for interpartes hearing.

5. I issue the following orders.

a) Prayer 2 for inhibition is granted.

b) The application will be heard interpartes by an **ELC Judge at Meru on 21<sup>st</sup> September, 2021.**

Written and delivered in open Court at Chuka this **21<sup>st</sup> day of June, 2021** in the presence of:

CA: Ndegwa

M/s Mwiti for the applicants

**P. M. NJORGE,**

**JUDGE.**