



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

CHUKA ELC CASE NO. 24 OF 2019

IN THE MATTER OF SECTION 28(H) OF THE LAND REGISTRATION ACT NO. 3 OF 2012

AND IN THE MATTER OF ORDER 37 RULE 7 OF THE CIVIL PROCEDURE RULES 2010

AND IN THE MATTER OF SECTION 38 OF THE LIMITATION OF ACTIONS ACT

CATHERINE WANJA NJOKA.....1ST PLAINTIFF

DOROTHY KAGENDO MURIUKI.....2ND PLAINTIFF

VERSUS

JOHN NJAGI DAN.....DEFENDANT

RULING

1. This application is dated **12th December, 2019** and seeks the following orders:
 1. That this application be certified urgent.
 2. That pending the interpartes hearing of this application an order of inhibition do issue restraining the registration of dealings in respect of L.R. No. Karingani/Ndagani/91.
 3. That pending the hearing and determination of this application and the main suit an order of inhibition do issue restraining the registration of dealings in respect of L.R. No. Karingani/Ndagani/91.
 4. That costs of this application be in the cause.
2. The application has the following grounds:
 1. That the defendant is the registered owner of the suit lands.
 2. That the plaintiffs have continuously occupied a portion measuring approximately two (2) acres in the suit land for a period exceeding twelve (12) years.
 3. That the plaintiffs lay claim to ownership of a portion measuring two (2) acres from the suit land predicated on the doctrine of adverse possession.
 4. That in order to preserve the suit property prior to the hearing of the plaintiffs claim, it is necessary that an order of inhibition be issued.
3. When the matter came up for interpartes hearing, the defendant sought 30 days to seek the services of an advocate.
4. The following orders/directions are hereby issued.

1. Defendant granted 30 days to obtain the services of an advocate.

2. Interim orders granted on **18th December, 2019** extended in terms of section 63(e) of the Civil Procedure Act pending hearing and determination of this application.

3. The application to be heard interpartes on **31st March, 2020**.

Delivered in open Court at Chuka this **27th day of January, 2020** in the presence of:

CA: Ndegwa

Catherine Wanja Njuki Plaintiff

Dorothy Kagendo absent – 2nd Plaintiff

John Njagi Dan – Defendant present

P. M. NJOROGE,

JUDGE