



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT CHUKA**

**CHUKA ELC CIVIL APPEL CASE NO. 12 OF 2019**

**GITONGA NYAGA BOORE.....APPELLANT/APPLICANT**

**VERSUS**

**NYAGA BOORE KANYORO.....RESPONDENT**

**RULING**

1. This application states that it has been brought to court under section 128(1) of the Registered Land Act (sic), Section 3A of the Civil Procedure Act, Order 1 Rule 17 of the Civil Procedure Rules and all other enabling provisions of the law.
2. The application seeks the following orders:
  1. That due to the nature and agency (sic), the instant application be heard ex-parte saves (sic) for inter parte hearing.
  2. That the orders of inhibition inhibiting all dealings in respect of LR Mwimbi South Mugumango 34 do issue pending the hearing and final determination of the intended substantive suit by the applicant and others having licensee interest on the suit land.
  3. That the lower court orders of 10<sup>th</sup> July, 2019 Chuka Chief Magistrate issued ex-parte be vacated and the caution which was registered on the suit land be reinstated.
  4. That the respondent be condemned to pay cost for and incidental to the instant suit.
3. The application has the following grounds:
  - a. That the order dated 10<sup>th</sup> July, 2019 in the lower court was granted ex-parte contrary to law.
  - b. That the suit land in which the applicant cautioned is highly susceptible to be disposed of to the third party to defect (sic) the outcome of the intended suit by the applicant.
  - c. That the interest of the applicant in the suit land is highly jeopardized due to court orders of 10.7.2019.
  - d. That the applicants (sic) stand to suffer irreparable loss and damage if the orders sought in the instant application is (sic) not granted.
4. The application has no supporting affidavit.
5. A certificate of urgency dated **16<sup>th</sup> December, 2019** indicates that the applicant had filed an application dated **16<sup>th</sup> December, 2019**. That application is not in the court file.
6. After perusing the application and all attendant filings, it is ordered as follows:-
  - a) The applicant to serve the Memorandum of Appeal and accompanying documents AND this application upon the respondent within 14 days of today.
  - b) This application will be heard interpartes on **7<sup>th</sup> April, 2020** if courts will have resumed normal operations.

**Delivered in chambers this 19<sup>th</sup> day of March, 2020**

in the presence of:

CC: Ann

Parties not present

**P. M. NJORGE,**

**JUDGE**