



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT
AT NAIROBI
ELC SUIT NO. 87 OF 2019

TITUS MWANGI MBATIA.....PLAINTIFF
VERSUS

MUTUTA MBONDO.....1ST DEFENDANT

MUTUA MBONDO.....2ND DEFENDANT

MBUKONI HOLDINGS LIMITED.....3RD DEFENDANT

DRUMVALE FARMERS CO-OPERATIVE

SOCIETY LTD (IN LIQUIDATION).....4TH DEFENDANT

THE COMMISSIONER FOR LANDS.....5TH DEFENDANT

THE HON. ATTORNEY GENERAL.....6TH DEFENDANT

RULING

What is before me is the plaintiff's application dated 5th March, 2019 seeking an order of temporary injunction against the defendants pending the hearing and determination of the suit. I have considered the application together with the supporting affidavit. The application was served upon all the defendants and none filed a response thereto. I am satisfied on the material before the court that the plaintiff has established a prima facie case with a probability of success against the defendants. I am also satisfied that the plaintiff stands to suffer irreparable harm that cannot be compensated by an award of damages unless the orders sought are granted. In essence, the threshold for grant of an interlocutory injunction has been established by the plaintiff.

Due to the foregoing, I find merit in the application dated 5th March, 2019. The application is allowed on the following terms;

1. Pending the hearing and determination of this suit, the 1st to 4th defendants by themselves or through their agents, employees or anyone acting on their behalf are restrained from encroaching, trespassing on, subdividing, fencing, selling, digging or in any other manner howsoever interfering with the plaintiff's quiet possession of the portions of land occupied by the plaintiff within all that parcel of land known as Nairobi/Block 118/1530.

2. The costs of the application shall be in the cause.

Delivered and Dated at Nairobi this 12th day of March, 2020

S. OKONG'O

JUDGE

Ruling read in open court in the presence of:

Mr. Rana h/b for Mr. Wachakana for the Plaintiff

Mr. Odoyo for the Defendants

N/A for the 2nd to 6th defendants

Ms. C. Nyokabi-for the Court Assistant