



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENTAL AND LAND CASE NO 33 OF 2016

M' RINGERA M'MUKIIRA1ST PLAINTIFF/APPLICANT

SABINA MWONJIRU M'AITA.....2ND PLAINTIFF/APPLICANT

VERSUS

DAVID NDEGWADEFENDANT/RESPONDENT

RULING

This application is dated 2nd April, 2016 and seeks orders:-

1. ***That this application be certified as extremely urgent and service of the same be dispensed with at the first instance.***
2. ***That the Honourable Court be pleased to issue an order of inhibition on parcel number title of land numbers NTIMA IGOKI/9197 to NTIMA IGOKI/9208 which were brought about by the subdivision of the parent land title no NTIMA IGOKI/ 5041 until further orders of the Court.***
3. ***That the Honourable Court be pleased to issue an order of temporary injunction against the Defendant restraining him by himself, his, servants, agents, employees or anyone acting on his behest from selling/trespassing/interfering with land numbers NTIMA IGOKI/9197 to NTIMA/IGOKI/ 9208 which were brought about by the subdivision of the parent land title no NTIMA IGOKI/5041 pending the hearing and determination of this application.***
4. ***That the Honourable Court be pleased to issue an order of temporary injunction against the Defendant restraining him by himself, his servants, agents employees or anyone acting on his behest from selling /trespassing/ interfering with land numbers NTIMA IGOKI/9197 to NTIMA IGOKI/ 9208 which were brought about by the subdivision of the parent land title No. NTIMA IGOKI/5041 pending the hearing and determination of this suit.***
5. ***Cost and interest of the application be provided for.***

The application is buttressed by the affidavit of SABINA MWONJIRU M'AITA, the 2nd Plaintiff and has the following grounds:-

- a. ***The 1st Defendant has managed to alienate the ancestral land to third parties and consequently have parcel number NTIMA IGOKI/5041 subdivided further to parcel Land numbers NTIMA IGOKI/9197 to NTIMA IGOKI/ 9208 without the consent of the family members.***
- b. ***THAT the Plaintiffs/Applicants have suffered /will suffer irreparably if the said defendant/respondent is not stopped from alienating /selling or usurping the suitland.***

During interpartes hearing the defendant gave his Identity Card and said that his official name is Kenneth Kamichia M'Ikirima. I have confirmed that this is indeed the actual position.

I do not want to say at this stage that the cited defendant, David Ndegwa, is wrongly made a defendant in this case. This will be done when the suit is heard and determined. I do not wish to proffer any legal advice to the litigants.

In the Interest of Justice, I issue the following orders: -

1. *Prayer 2 is granted.*
2. *Prayer 3 and 4 are denied.*
3. *Costs shall be in the cause.*

It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 9TH DAY OF MAY, 2016 IN THE PRESENCE OF:-

CC: Daniel/Lilian

Otieno C. for the Applicant

Kenneth Kamichia M' Ikirima -Alleged Respondent.

P.M. NJOROGE

JUDGE