



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENTAL & LAND CASE NO 145 OF 2016

JONAH MWIRIG MURUNGI1ST PLAINTIFF

BENJAMIN MWITI MURUNGI2ND PLAINTIFF

SARAH KENDI MURUNGI3RD PLAINTIFF

JANE WANJA MURUNGI.....4TH PLAINTIFF

VERSUS

PETER MURUNGI.....DEFENDANT

R U L I N G

1. This application is dated 29/08/2016 and seeks orders:-

(1) THAT the application herein be certified urgent and be heard exparte in the 1st instance.

(2) THAT the honourable Court do issue an order of inhibition inhibiting any dealings whatsoever with land parcel numbers 5206, 5377 and 10209/Amwathi/Maua until this application is heard and determined.

(3) THAT the Honourable Court do issue an order of inhibition inhibiting any dealings whatsoever with land parcel numbers 5206, 5377 and 10209/Amwathi/Maua until this suit is heard and determined.

(4) THAT costs of this application be provided for.

2. The application is supported by the Affidavit of JONAH MWIRIGI MURUNGU, the 1st Plaintiff and has the following grounds:-

a) THAT the suit properties are registered in the name of the defendant to hold it in trust for the Plaintiffs who are his sons and daughters.

b) THAT the Plaintiff have extensively developed the suit land where their homesteads and other developments stand.

c) THAT the defendant has threatened and he is in process of disposing off/selling the suit lands.

d) THAT unless the sought orders herein are granted the Plaintiff will be rendered landless and

their suit rendered a nugatory.

3. When the application was slated for hearing on 13/09/2016, the Defendant was not in Court. Mr. Mutembei for the Applicants told the Court that the Defendant had been properly served with the date for the hearing of the application interpartes. He referred the Court to the apposite affidavit of service. In the Circumstances, he requested the Court to allow the application.

4. In the absence of the Defendant/Respondent and despite service, I deem the application heard. It is allowed.

5. Prayer 3 is granted.

6. Costs shall be in cause.

7. It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 14TH DAY OF SEPTEMBER, 2016 IN THE PRESENCES OF:-

CC: Lilian/Daniel

Miss Muna h/b Mutembei for Plaintiff

P.M NJOROGE

JUDGE