



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT EMBU**  
**MERU E.L.C. NO 59 OF 2010**

**LYDIA MUNYATTA M'ARUYARU (the administratrix of  
the**

**Estate of the late M'ARUYARU M'AYUKI.....EX-PARTE  
APPLICANT/RESPONDENT**

**VERSUS**

**TIGANIA WEST DISTRICT LAND ADJUDICATION AND SETTLEMENT OFFICER.....1<sup>st</sup>  
RESPONDENT**

**ATTORNEY GENERAL.....2<sup>nd</sup>  
RESPONDENT**

**AND**

**EBUTHANIA RUTERE..... 1<sup>st</sup> INTENDED  
APPELLANT/APPLICANT**

**DOUGLAS MWNGITHIA..... 2<sup>nd</sup> INTENDED  
APPELLANT/APPLICANT**

**RAPHAL ITARU..... 3<sup>rd</sup> INTENDED  
APPELLANT/APPLICANT**

**SILVESTER KINOTI RUTERE..... 4<sup>th</sup> INTENDED  
APPELLANT/APPLICANT**

**JOSEPH KINOTI.....5<sup>th</sup> INTENDED  
APPELLANT/APPLICANT**

**MUGAMBI M'LINGERA .....6<sup>th</sup> INTENDED  
APPELLANT/APPLICANT**

**RULING**

**Introduction**

I have considered the affidavit evidence and counsel's submissions in this matter.

I find that there has been a notice of appeal dated 19<sup>th</sup> January, 2015. The appeal that is intended discloses an arguable appeal.

Furthermore, if the order sought is not granted the appeal may be rendered nugatory.

I therefore grant the orders sought pending the hearing of this application inter-parties.

The *ex-parte* order will be in force for 14 days in terms of prayer numbers 2 and 3 of the notice of motion.

**RULING DATED, SIGNED and DELIVERED in open court at EMBU this 5<sup>th</sup> day of MARCH,2015**

In the presence Mr. Momanyi holding brief for Mr. Kitheka and Mr Mithega Kariuki for the first Respondent

Court clerk Mr Muriithi

**J.M. BWONWONGA**

**JUDGE**