



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

MERU ELC SUIT NO. 31 OF 2020 (O.S)

IN THE MATTER OF LR KIIRUA/NAARI-MAITEI/1083

AND

IN THE MATTER OF S. 17 AND 38 OF THE LIMITATION OF ACTIONS ACT

EUNICE MWARONJA KIRIMI.....1ST PLAINTIFF

JACOB KIRIMI PHILIP.....2ND PLAINTIFF

-VERSUS-

NKUNJA M'TWERANDU.....DEFENDANT

RULING

1. This application is dated **10th August, 2020** and seeks the following orders:

1. That this Application be certified as urgent and service be dispensed with In the first instance.
2. That this Honorable court be pleased to grant an order of inhibition against L.R KIIRUA/NAARI-MAITEI/1083 the subject matter herein pending the hearing and determination of this application.
3. That this Honorable court be pleased to grant an order of inhibition against L.R KIIRUA/NAARI-MAITEI/1083 the subject matter herein pending the hearing and determination of this suit.
4. That this Honorable court be pleased to grant an order of Temporary injunction restraining the defendant his servants, agents or anyone at his behest from interfering with the plaintiff's occupations and developments on one acre of land being part of L.R KIIRUA/NAARI-MAITEI/1083 pending the hearing the hearing and determination of this matter.
5. That the costs of this application be provided for:-

2. The application is supported by the affidavit of Eunice Mwaronja Kirimi, the 1st plaintiff, and has the following grounds:

- a) That the plaintiffs have acquired rights over one (1)acre of land being part of L.R KIIRUA/NAARI-MAITEI/1083 and any change of the register shall complicate the hearing and determination of this suit.
- b) That the plaintiffs have made immense developments on one acre out of L.R KIIRUA/NAARI-MAITEI/1083 the subject matter herein and there is need to have the status quo maintained pending the hearing and determination of this matter.
- c) That the defendant need to be restrained from interfering with the subject matter otherwise the plaintiffs are likely to suffer irreparable loss and damage.
- d) That the plaintiffs have raised a prima facie case with a probability of success

3. Due to Covid 19 concerns, this application has been handled in chambers without the physical appearance of the applicants.

4. Having perused the application and its annexures, I am of the opinion that the orders sought are merited.

5. Consequently, I issue the following orders:

i) The application is certified urgent.

ii) Prayer 2 is granted.

iii) Prayers 3, 4 and 5 will be canvassed before the Hon. Lady Justice Lucy Mbugua, at Meru and the parties are directed to appear before the Judge for directions and/or hearing on **20th August, 2020**.

Delivered in Chambers at Chuka this 13th day of August, 2020 in the presence of:

CA: Ndegwa

P. M. NJOROGE,

JUDGE.