



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT CHUKA**

**MERU ELC CASE NO. 28 OF 2020**

**PATRICK KATHURIMA NJIRU.....PLAINTIFF/APPLICANT**

**VERSUS**

**RICHARD KIRIINYA MURIUNGI.....1<sup>ST</sup> DEFENDANT/RESPONDENT**

**DORIS KATHAMBI MURIUNGI.....2<sup>ND</sup> DEFENDANT/RESPONDENT**

**PETER MARETE.....3<sup>RD</sup> DEFENDANT/RESPONDENT**

**FAITH MUTHONI NJIRU.....4<sup>TH</sup> DEFENDANT/RESPONDENT**

**LAND REGISTRAR.....5<sup>TH</sup> DEFENDANT/RESPONDENT**

**MERU DISTRICT LAND REGISTRY.....6<sup>TH</sup> DEFENDANT/RESPONDENT**

**RULING**

1. This application which is dated 5<sup>th</sup> August, 2020 has been brought to court under a certificate of urgency and seeks the following orders:-

1. This application be certified urgent and heard ex-parte in the first instance.

2. Pending the inter parties hearing and determination of this application, this court be and is hereby pleased to issue a temporary injunction restraining the 1<sup>st</sup> – 4<sup>th</sup> defendants/respondents by themselves, their agents, representatives or by any other persons action on their authority from entering into, threatening eviction of tenants, demolishing buildings, occupying or undertaking any activity whatsoever on the parcels of land known as Title Number: Nyaki/Mulathankari/3702. Title Number: Nyaki/Mulathankari/3703 and Title Number Nyaki/Kithoka/4742.

3. Pending the inter parties hearing and determination of the main suit, this court be and is hereby pleased to issue a temporary injunction restraining the defendants/respondents by themselves, their agents, representatives or by any other persons acting on their authority from entering into, threatening eviction of tenants, demolishing buildings, occupying or undertaking any activity whatsoever on the parcels of land known as Title Number: Nyaki/Mulathankari/3702. Title Number: Nyaki/Mulathankari/3703 and Title Number Nyaki/Kithoka/4742.

4. Pending the inter parties hearing and determination of this application and the main suit this court be and is hereby pleased to issue a temporary injunction restraining the 5<sup>th</sup> defendant from registering a caution, inhibition or restriction on the titles for Title Number: Nyaki/Mulathankari/3702, Title Number: Nyaki/Mulathankari/3703 and Title Number Nyaki/Kithoa/4742 at the instance of the 1<sup>st</sup> – 4<sup>th</sup> defendants any other person acting on their directions.

5. The 1<sup>st</sup> – 4<sup>th</sup> defendants do bear the costs of this application.

2. The application is supported by the affidavit of Patrick Kathurima Njiru, the plaintiff and has 14 grounds.

3. I note that the suit property is registered in the name of the applicant. At this exparte stage, I am persuaded to certify the matter as urgent and to grant prayer 2 in the application. Prayers 3 and 4 will be considered during the hearing of the application.

4. Accordingly, the following orders are issued:-

a) Prayer 2 in the application is granted.

b) Application to be placed before the Hon. Justice Lucy Mbugua, ELC Judge, at Meru on **18<sup>th</sup> August, 2020**.

c) Costs shall be in the cause.

**Delivered in chambers at Chuka this 12<sup>th</sup> day of August, 2020 in the presence of:**

**CA: Ndegwa**

**P. M. NJOROGI,**

**JUDGE.**