



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 08 OF 2020

MAJANI ESTATES LIMITED.....PLAINTIFF/APPLICANT

VERSUS

MUTHONI NKONGE.....1ST DEFENDANT/RESPONDENT

MURIUKI NDUBI2ND DEFENDANT/RESPONDENT

SAULU NDIGA3RD DEFENDANT/RESPONDENT

KARIBA KANAMPIU.....4TH DEFENDANT/RESPONDENT

MWIRIGI MIRITI.....5TH DEFENDANT/RESPONDENT

MUGENDI KAINYATI.....6TH DEFENDANT/RESPONDENT

PAUL KINYUA RIUNGU.....7TH DEFENDANT/RESPONDENT

MWITI RIUNGU.....8TH DEFENDANT/RESPONDENT

BENEDICTINE NJIRU RIUNGU.....9TH DEFENDANT/RESPONDENT

RULING

1. This application is dated 5th August, 2020 and seeks the following orders:-

1. That the application be certified urgent and be heard ex-parte and service thereof be dispensed with in the first instance.

2. That this honourable court be pleased to issue an order of temporary injunction restraining the defendants/respondents, their siblings, employees, agents, servants, assigns or any other person acting under their directions from working, dealing and/or interfering in any manner whatsoever with **LR NO. MWIMBI/CHOGORIA/599952 and 5953** pending the hearing and determination of this application.

3. That this Honourable court be pleased to issue an order of temporary injunction restraining the defendants/respondents, their siblings employees, agents, servants, assigns or any other person acting under their directions from working, dealing and/or interfering in any manner whatsoever with **LR NO. MWIMBI/CHOGORIA/5951, 5952 and 5953** pending the hearing and determination of the main suit.

4. That costs of this application be provided for.

2. The application is supported by the affidavit of **RONALD MUTUMA MUTAI** and has the following grounds:-

a) That the plaintiff/applicant is the registered owner of **Land Parcel No. MWIMBI/CHOGORIA/5951, 5952 AND 5953**.

b) That the defendants without a colour of right have been interfering with the plaintiff's occupation of the land by chasing away its agents.

- c) That the plaintiff/applicant thought its agent has reported the matter to the police who instead referred the dispute to the area chief who was unable to resolve the same.
- d) That the defendants insist and have sworn to interfere with the plaintiff's user of its property unless stopped by a court order.
- e) That it is only fair, just and equitable that this application is allowed.

3. Upon perusal of the plaintiff's application and all attached documents, I issue the following orders:

- 1. The matter is certified urgent.
- 2. Prayer 2 in the application is granted in terms of section 63 of the Civil Procedure Act in view of the fact that this court will be **on recess until 15th September, 2020.**
- 3. The plaintiff should comply with Order 11, CPR, within 21 days and the defendants should do so within **21 days after receipt of the plaintiff's compliance documents.**
- 4. This application will be heard interpartes on **21st September, 2020.**

4. Orders accordingly.

Delivered in open Court at Chuka this 5th day of August, 2020 in the presence of:

CC: Ann

P. M. NJOROGI,

JUDGE.