



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT CHUKA**

**CHUKA ELC CASE NO. E001 OF 2020**

**ESTHER MUGURU NJERI NJOROGE**

**MICHENI.....APPLICANT**

**VERSUS**

**IAN KARANI KAMUNDE.....1<sup>ST</sup> RESPONDENT**

**FRANCIS KAMUNDI MUNYUA.....2<sup>ND</sup> RESPONDENT**

**THE LAND REGISTRAR THARAKA NITHI**

**COUNTY .....3<sup>RD</sup> RESPONDENT**

**RULING**

1. This application is dated 23<sup>rd</sup> September, 2020 and seeks, inter alia, the following orders:

**1.THIS** application be certified as urgent and be heard ex-parte in the first instance due to the urgent nature of the reliefs sought and service of this application be dispensed with.

**2.THAT** leave is hereby granted that the 1<sup>st</sup> Respondent be served through electronic mail since he is a German Resident.

**3.THAT** this Honourable Court be pleased to order that an inhibition be issued and the same be registered against parcel No. KIERA/MAGUTUNI/98 to restrict any dealings or transfer of the said parcel of land and the District Land Registrar Chuka be directed to register the inhibition against the parcel of land pending the hearing and determination of this Application *inter partes* or until further orders of this Honourable Court.

**4.THAT** this Honourable Court be pleased to issue a temporary order of injunction restraining the Respondents whether by themselves, their servants, agents, or any person whomsoever from doing any of the following acts that is to say evicting, demolishing the Applicant’s houses, selling, leasing, charging or otherwise howsoever interfering with the Applicant’s quiet, peaceful, actual and exclusive possession, cultivation, user, development and enjoyment of the parcel of land known as Title Number KIERA/MAGUTUNI/98 pending the hearing and determination of this Application inter partes.

**5.IN THE ALTERNATIVE** this Honourable court be pleased to order the status quo prevailing as at April, 2017 regarding possession, user, occupation and registration of the parcel of land known as Title Number KIERA/MAGUTUNI/98 by the Applicant pending the hearing and determination of this application inter partes or until further Court orders.

2. During exparte hearing, Mr. Okweh Achiando, through zoom, relied on the face of the grounds on the face of the apposite notice of motion and on the applicant’s supporting affidavit sworn on **23<sup>rd</sup> September, 2020**.

3. Upon hearing the application, the following orders are issued:-

1. Prayers 1, 2, 3 and 5 in the application are granted pending interpartes hearing of the application.
2. Prayer 7 is granted.

**3. Interpartes hearing** will take place on **14.10.2020**.

**Heard via zoom and delivered electronically this 28th day of September, 2020** in the presence of:

CA: Ndegwa

Okweh Achiando for the applicant (via zoom)

**P. M. NJORGE,**

**JUDGE.**