



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**ENVIRONMENT AND LAND NO. 30 OF 2013**

**VALERIO KIBAARA.....PLAINTIFF**

**VERSUS**

**PETER MURUNGI.....DEFENDANT**

**RULING**

This application is dated 25th May, 2015. It seeks Orders:-

1. **THAT** this matter be certified as very urgent, service be dispensed with and the matter be admitted for hearing in the first instance.

2. **THAT** the Honourable Court be pleased to issue an order for inhibition against the registered Land Parcel No. Amwathi/Maua/4150 restraining the Defendant/Respondent his agents, servants, representatives or any other claiming through him from dealing in any way in the title therein pending interparties hearing.

3. **THAT** the Honourable Court be pleased to issue an order for Inhibition against the registered Land Parcel No. Amwathi/Maua/4150 restraining the defendant/respondent his agents, servants, representatives or any other claiming through him from dealing in any way in the title thereon pending interparties hearing.

4. **THAT** the Honourable Court be pleased to give interlocutory orders of injunction restraining the defendant, his servants, agents representatives or any other person claiming through him from entering, trespassing, alienating or in any other way dealing in the Plaintiff suit property Land parcel No. Amwathi/Maua/4150.

5. **THAT** the Honourable Court be pleased to give interlocutory orders of Injunction restraining the defendant. His servants, agents, representatives or any other person claiming through him from entering, trespassing, alienating or in any other way dealing in the Plaintiff suit property Land Parcel No. Amwathi/Maua/4150.

6. **THAT** costs of this application be provided for.

It is supported by the affidavit of the Plaintiff and has the following grounds.

(a) **THAT** the applicant bought this portion of land measuring 0.05 acres Plot No Amwathi/Maua/4150 from the defendant through a written agreement in the year 2004 at a

consideration of Kshs. 1,450,000/= and pay (sic) in cash.

(b) **THAT** the applicant immediately took possession and user of the said parcel and proceeded to develop the same by erecting a commercial building.

(c) **THAT** after the sale agreement, the parties proceeded to the land's office at Maua where the transfer to the applicant's name was effected in the register.

(d) **THAT** after the above the applicant, comfortably sought for approved plans from the local County Council of Maua to commence development of the plot. The same was issued in his favour though the land title certificate has been issued in the names of the defendant who has refused to transfer to the applicant's name.

(e) **THAT** the Plaintiff /applicant is apprehensive that the defendant might evict him from the land and further cause a transfer of the title to his disadvantage.

(f) **THAT** unless the orders sought are granted the Plaintiff/Applicant is bound to suffer irreparable loss and damages that cannot be compensated by any award of damages.

The defendant was present in Court on 04/06/2015 when the Court directed that parties be in Court for directions on 13/07/2015.

The Defendant/Respondent is not in Court today, thus delaying the hearing of this application. In the circumstances, **I deem it necessary to allow the application with the effect that prayers 3 and 5 are granted.**

**Costs shall be in the cause.**

Delivered in Open Court at Meru this **13th day of July, 2015** in the presence of:-

CC: Daniel/Lilian

Gitonga holding/brief Miss Kiome for Plaintiff/Applicant

Defendant/Respondent Absent

**P.M.NJOROGE**

**JUDGE**