



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**CIVIL CASE NO. 16 OF 2011**

**ABDUL RAHIM DAWOOD.....PLAINTIFF**

**VERSUS**

**MARTHA KITHIRU.....1ST DEFENDANT/APPLICANT**

**STEPEN M'TWAMWARI.....2ND DEFENDANT**

**MARGARET M. NKUENE.....3RD DEFENDANT**

**R U L I N G**

This application stated to have been filed under S. 68 (1) Land registration Act seeks orders that:

- (a) The Honourable Court do certify this application as extremely urgent and the same be heard ex-parte in the 1st instance, service of the same to be dispensed with in the 1st instance.***
- (b) The Hon. Court do issue an order for inhibition restraining any dealings whatsoever with land parcel NO.NTIMA/IGOKI/6761 until the suit is determined or until this application is heard and determined or until further orders of this court.***
- (c) The Hon. Court do make such further orders as may meet the ends of justice.***
- (d) Cost be borne by the respondent***

The application has the following grounds:

- i. That the respondent is in the process of selling all his properties in Meru including the suit land to a third party.***
- ii. That if the suit land is sold the applicant will suffer irreparably as they shall be evicted from home and where they eke their living.***

On 7.10.2015, the parties' advocates told the Court that they had by consent agreed to have the application allowed. In the circumstances, the application is allowed.

Costs shall be in the cause.

I direct that all parties do fully comply with Order 11, CPR, within sixty days of today.

**Delivered in Open Court at Meru this 7th day of October, 2015 in the presence of:**

Cc. Lilian/Daniel

Mutuma for Plaintiff

Manasses Kariuki h/b E. G. Mwangi for Defendant

**P. M. NJOROGE**

**JUDGE**