



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENT & LAND CASE NO 67 OF 2015

ROSALID JULIA NGUGI MURUNGI (ON BEHALF OF

DECEASED ESTATE OF JAMLICK NJAGI).....PLAINTIFF

VERSUS

WASHINGTON RWIGI1ST DEFENDANT

HUMPREYMUCHIRI.....2ND DEFENDANT

RULING

This application dated 06/08/2015, cited to have been filed under the provisions of the law mentioned on its face, seeks orders that:-

- 1. The Honourable Court be pleased to issue restraining orders against the 1st defendant and injunct him from interfering or entering in the land parcels of MAGUMONI/THUITA/4224, 2095 2181 & 4236 and further restrain him from picking tea leaves, collecting rent and interfering with a posho mills(sic) all on parcel land MAGUMONI/THUITA/4243,2095,2181 & 4236 until this application is heard and determined and until further orders of this Honourable Court.***
- 2. The Honourable Court be pleased to restrain the 1st & 2nd defendants from taking over the cows of the applicant and further restraining them from taking over her matrimonial house.***
- 3. Costs of this application to be paid by the respondents.***

The application is supported by the affidavit of the Plaintiff/Applicant and has the following grounds:-

- a. The 1st defendant chased away the workers of the applicant from the tea farm and started picking tea with his own workers for his own benefit.***
- b. The 1st defendant took the applicant (sic)water tank and chased away tenants and replaced them with his own.***
- c. The defendants chased away the applicant from her matrimonial home and took away house keys and locked away her clothes, utensils, furniture and all documents.***

On 06/10/2015, the parties through their Advocates presented a consent which they urged the Court to adopt as its order. The Consent is in the following terms:-

“We have agreed:

- 1. Plaintiff do have access to her matrimonial home and the tea bushes she used to take care of during her late husband’s life.***
- 2. The Plaintiff to have access to her property, including her cows”.***

The defendants undertook before Court to abide by the provisions of the Consent. In the circumstances, **this Consent is adopted as an order of this Court.**

Parties will come back to Court on 29/10/2015 for further directions when they will agree or not agree regarding the issue of having the application dated 6/8/2015 being marked as settled.

Delivered in open Court at Meru this 6th day of October, 2015 in the presence of :-

CC: Daniel /Lilian.

Kirima for the Plaintiff.

Kijaru for Defendants.

P.M.NJOROGE

JUDGE