



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**

**AT MERU**

**E & L NO. 5 OF 2014**

**LEWIS MWIRIGI & 10 OTHERS .....PLAINTIFF**

**VERSUS**

**THE GOVERNOR MERU COUNTY & 2 OTHERS.....DEFENDANTS**

**JUDGMENT**

This suit was filed on 20th January, 2014. In their plaint the plaintiffs sought judgment against the defendants jointly and severally for:

- (a) A declaration that the notice given to them was too short and bad in law.
- (b) A permanent mandatory injunction restraining the defendants, their agents, assignees (sic) from demolishing the plaintiff's stalls pending hearing of this case.
- (c) Costs of this case and interest.

The plaintiffs filed an application dated 20th January, 2014 under a certificate of urgency seeking, inter alia, an order of temporary injunction preventing the 1st and 2nd defendants from demolishing their stalls or evicting them therefrom. The order sought was granted and the plaintiffs' application was to be heard on 3.3.2014.

On 3.3.2014 the parties requested the court to record a consent they had entered into and adopt its contents as orders of the court.

The consent was in the following terms:

- (a) "The plaintiffs do give vacant possession of the stalls to 2nd defendant immediately to facilitate upgrading of the stalls.
- (b) That the plaintiffs be allowed to carry away material i.e. stocks, building stones, iron sheets, windows and doors.
- (c) That upon completion of the construction and or upgrading the plaintiffs be given 1st

priority by the County Government as appertaining the allocations.

(d) That this case be marked settled with each party bearing own costs.”

The consent was signed by the firm of Leonard K. Ondari & Co. Advocated, for the plaintiffs and by Mr. Thurania Atheru, Legal Officer, Meru County Government, for the 1st and 2nd defendants.

This Court adopts the terms of the consent as orders of the court to be obeyed by the apposite parties.

It is so ordered.

**Delivered in Open Court at Meru this 3rd day of March, 2014 in the presence of:**

Cc. Daniel

Ondari for Applicant

Kiongo for the A.G.

Atheru for 1st and 2nd Defendants

**P. M. Njoroge**

**JUDGE**