



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CIVIL CASE NO. 90 OF 2007

GRACE GUANTANI M'MUGWIKA

(SUING AS AN ADMINISTRATRIX OF THE ESTATE OF JUSTUS RUGWARU

ALIAS M'MUGWIKA M'MUGAINE).....PLAINTIFF/RESPONDENT

VERSUS

JASON THURANIRA.....1ST DEF./RESPDNT.

PS MINISTRY OF LANDS & SETTLEMENT.....2ND DEF./RESPDNT.

DIRECTOR OF LAND ADJ & SETTLEMENT.....3RD DEF./RESPDNT

**THE MINISTER FOR LANDS AND SETTLEMENT.....4TH
DEFENDANT/RESPONDENT**

HON. ATTORNEY GENERAL.....5TH RESPONDENT

RULING

This application is dated 27th May, 2014 and seeks orders:

1. *That this honourable court be pleased to certify this matter as urgent and dispense with service in the first instance.*
2. *That this honourable court be pleased to grant a temporary order of injunction against the 1st defendant, his agents or servants to restrain him from transferring, alienating, selling or disposing off L. R. KIIRUA/NKANDO/510 the subject matter herein pending the hearing and determination of this application.*
3. *That this honourable court be pleased to grant an order of inhibition against L. R. KIRUA/NKANDO/510 the subject matter herein pending the hearing and determination of this application and the main suit.*
4. *That this honourable court be pleased to grant an order of injunction against the 1st defendant, his agents or servants from transferring, alienating, selling or disposing off L. R. KIIRUA/NKANDO/510 pending the hearing and determination of this suit.*
5. *That costs of this application be in the cause.*

It is based against the following grounds :

(a) That the subject matter herein is L. R. KIRUA/NKANDO/510.

(b) That the Land Register is now complete and once the title is issued in the names of the 1st defendant then he shall be at liberty to dispose off or sell the subject matter which shall render the plaintiff to suffer irreparable loss and damage.

(c) That indeed the 1st defendant was fraudulently registered as the owner of the subject matter which belongs to the plaintiff's deceased husband's estate.

(d) That it is in the interest of justice that the orders herein be issued to protect and preserve the subject matter pending the hearing and determination of this suit.

When the application came up for directions on 14.10.2014, it was clear that the respondents had not opposed it.

In the circumstances it is allowed.

Costs shall be in the cause.

Delivered in Open Court this 14th day of October, 2014 in the presence of:

Cc. Lilian/Daniel

Muthami for Applicant

Keeti for Respondents.

P. M. NJOROGE

JUDGE