



REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA AT MERU

E & L NO. 136 OF 2014

MERU GINNERY (1994)LTD.....PLAINTIFF

VERSUS

THE CHAIRMAN GAITU

SELF HELP HEALTH CENTRE.....1ST DEFENDANT

**R U L I N G**

This application by way of Notice of Motion is dated 18.9.2014 and seeks orders:

1. **THAT** the application be certified as urgent and service thereof be dispensed with and the same be heard ex- part in the first instance.
2. **THAT** This Honourable Court do grant an Oder restraining, stopping, prohibiting and/or barring the respondent, his agents, employees, servants and/or any person whatsoever from entering, trespassing, invading and/or taking out any operations and/or activities on all the land known as L/P ABOTHUGUCHI/630 until the hearing and determination of this Application Inter-Parties.
3. **THAT** the Honourable Court do grant an Order restraining, stopping prohibiting and/ or barring the respondent his agents, employees, servants and/or any person whatsoever from entering, trespassing, invading and/or taking out any operations and/or activities on all the land known as L/P ABOTHUGUCHI/630 until the hearing and determination of the suit herein.
4. **THAT** the costs of this application be provided for.

It is predicated upon the following grounds:

- i. *That the Applicant is a Limited Liability Company having been incorporated as such in the Republic of Kenya.*
- ii. *That the Applicant purchased the suit land herein sometime in 1977 from the County Council of Meru and the same was transferred to it in the names of MERU GINNERY LIMITED as it was then known.*
- iii. *That the Applicant re-branded in 1995 and the suit land was transferred to the Applicant's new and current name.*

- iv. *That the Applicant has been in possession of the suit land enjoying quiet possession without any disturbance and/or interruptions whatsoever from anyone.*
- v. *That the applicant has made numerous developments on the land and has even promised the local community to build for them a dispensary as part of its Corporate Social Responsibility.*
- vi. *That by a letter dated 4th September, 2014 the Respondents have threatened to storm and forcefully take over an unidentified portion of the Applicant's land approximately 2.645 Ha anytime after the 18th day of September, 2014.*
- vii. *That the Respondents have no claim on any portion of the applicant's land whatsoever.*
- viii. *The Applicant is apprehensive that any such actions shall occasion it irreparable damages and huge losses.*
- ix. *That unless the orders sought are issued there is imminent danger of applicant losing its land and equipment thereon which will occasion irreparable damage.*
- x. *That this application has been made without any unreasonable delay.*
- xi. *That this application will not occasion any prejudice to the Defendants/Respondents.*
- xii. *That this application sought,(sic) be granted in the interests of justice and fairness.*

Interim orders had been issued on 18.9.2014. Although the respondents had been properly served as evidenced by the Affidavit of service filed on 24.9.2014, they did not come to court for the interpartes hearing. Counsel for the applicant urged the Court to grant prayer 3. He also urged that costs be in the cause.

I hereby grant Prayer 3. Costs shall be in the cause.

**Delivered in Open Court at Meru this 1st day of October, 2014 in the presence of:**

Cc Daniel/Lilian

Kago for the Applicant's

**P. M. NJOROGE**

**JUDGE**