



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERUGOYA
ELC CASE NO. 615 OF 2013

MUNYI NGAI 1ST PLAINTIFF
SEVERINO MATI NGAI 2ND PLAINTIFF
MUNYI GATIMU 3RD PLAINTIFF
ANTONY NGARI IRERI 4TH PLAINTIFF
NJAGI MBUVI 5TH PLAINTIFF

VERSUS

MBOGO NYAGA GATEMA 1ST DEFENDANT
NICHOLAS NJERU NGUNGURU 2ND DEFENDANT
GODFREY NJERU KAENJAGA 3RD DEFENDANT
EVAN NDATHI 4TH DEFENDANT
NGONDI KATHAKA 5TH DEFENDANT
THE LAND REGISTRAR MBEERE .DIST..... 6TH DEFENDANT

RULING

This is in respect to the plaintiffs/applicants Chamber Summons (it ought to have been a Notice of Motion) dated 9th September 2013 seeking orders that the Land Registrar Mbeere District (6th respondent herein) be restrained from hearing any dispute or removing the cautions and/or restrictions placed against the titles in land parcels numbers EMBU/GANGARA 522, 325, 345 523 and 524 pending the hearing of this suit. The application is supported by the affidavit of the 1st plaintiff/applicant sworn also on behalf of the other plaintiffs/applicants in which he depones, inter alia, that he and the other plaintiffs/applicants have lived on the said parcels of land for many years and have placed cautions on them yet the District Land Registrar Siakago intends to remove the said cautions and the land will then be sold to third parties hence defeating the plaintiffs/applicants interest in the matter.

Though served, the 6th defendant/respondent did not file any replying affidavit and so this application is not opposed.

I have considered the application and the supporting affidavit. It is not clear what exactly the plaintiffs/applicants' interest in the said parcels of land is. All I am told is that the plaintiffs/applicants have lived on the land for many years. That alone is not enough to acquire an interest in the land. Nonetheless, as matters stand now, only the 6th defendant/respondent is involved in this application and has opted not to oppose it. The issues will perhaps become more clearer once the other parties come in. This being a land matter and knowing what mischief sometimes comes to play in such matters, I will grant the orders sought.

The Chamber Summons dated 9th September 2013 is hereby allowed.

Costs in the cause.

B.N. OLAO

JUDGE

2ND OCTOBER, 2013

2/10/2013

Coram

B.N. Olao – Judge

CC – Muriithi

Mr. Ngigi for Njiru for Applicant – present

No appearance for Respondent

COURT: Ruling delivered this 2nd day of October 2013 in open Court.

B.N. OLAO

JUDGE

2ND OCTOBER, 2013