

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT EMBU

Civil Case 169 of 2008

MICHAEL MUGO IRERI.....PLAINTIFF

VERSUS

NELSON NTHIGA IKOI.....1ST DEFENDANT

GILBERT IRERI NAMU.....2NDDEFENDANT

RULING

The applicant has filed the notice of motion dated 18/3/2009 seeking an order that this court do issue orders of inhibition, inhibiting the registration of any dealings with land parcels No.

Evurore/Nguthi/1624 and 1625. The same is premised on the 3 grounds on its face and on the supporting affidavit of Michael Mugo Ireri. It is opposed by the two Respondents vide their replying affidavits dated 27/5/2009. I have considered the application in question along with rival affidavits and the annexures thereto. I have also considered both counsels' submissions in court. What comes out clearly is that this land has a history between the parents of the parties herein who were in court for adverse possession over the same land. I do not wish to pre-empt the outcome of this case but it is my considered view that issuing prohibitory orders will not serve the interests of justice in this case, and would be tantamount to fettering the respondents from fully enjoying their proprietary rights over the plots in question. I am not convinced that there is good cause shown to entitle the applicant to the prohibitory orders he seeks. Accordingly, I will dismiss the application dated 18/3/2009 and order that costs be in the cause.

W. KARANJA

JUDGE

Delivered, signed and dated at Embu this 1st day of July 2009.

In presence of:-Mr. Okwaro for Ms Ndorongo.

W. KARANJA

JUDGE

1/7/2009.