



REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: OMOLO, TUNOI & LAKHA, J.J.A.)
CIVIL APPLICATION NO. NAI. 251 OF 1997 (109/97UR)
BETWEEN
COUNCIL FOR HUMAN ECOLOGY.....APPLICANT
AND
CAPTAIN JIMMY MUTINDA.....RESPONDENT
(Application for injunction pending an appeal from a Ruling of the
High Court of Kenya at Nairobi (Justice Msagha -Mbogholi)
dated 19th September, 1997
in
H.C.C.C. NO. 2017 OF 1996)

RULING OF THE COURT

This is an application for injunction seeking to restrain the respondent his servants and/or agents from damaging any of its property Title No. MAKUENI/MASONGALENI/177 (Known as the Plot No. 290 Masongaleni Settlement and restraining from entering into the said property pending the determination for the intended appeal.

Having heard counsel of both the parties, we are satisfied that the intended appeal is not frivolous as conceded by Mr. Sitima that unless the injunction is granted the intended appeal will be rendered nugatory.

In the result, the application for injunction is granted as prayed with costs of the application to abide the appeal.

Dated and delivered at Nairobi this 30th day of September, 1997.

R.S.C. OMOLO

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JUDGE OF APPEAL

P.K. TUNOI

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JUDGE OF APPEAL

A.A. LAKHA

.....

JUDGE OF APPEAL

I certify that this is a
true copy of the original.

DEPUTY REGISTRAR