

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC (O.S) CASE NO. 44 OF 2020

JULIUS MIRITI ITARU.....APPLICANT

VERSUS

MICHAEL M'GITOO.....RESPONDENT

RULING

1. Before me is a notice of motion dated 17.9.2020, brought pursuant to provisions of Section 1A, 1B, 3A and 63 (e) of the Civil Procedure Act and Order 40 Rule 1 and 2 of the Civil Procedure Rules.

2. The applicant is seeking an order of inhibition in respect of land parcel number Nyambene/Kitheo/1273 until the suit is heard and determined. He is also seeking an order of temporary injunction restraining the defendant, his family members, servants and agents from entering , occupying and using the suit parcel until the case is heard and determined.

3. Despite service, no response has been filed by the respondent. I am therefore inclined to allow the application in the following terms.

1) The prayer for inhibition is allowed in terms of prayer number 3 in the application.

2) The prayer for injunction set out in prayer number 5 is allowed but for a period of ONE YEAR ONLY.

3) The costs of this application shall abide the outcome of the main suit.

DATED, SIGNED AND DELIVERED AT MERU THIS 14TH DAY OF DECEMBER, 2020

HON. LUCY. N. MBUGUA

ELC JUDGE

ORDER

The date of delivery of this ruling was given via a notice dated 7.12.2020. In light of the declaration of measures restricting court operations due to the *COVID-19 pandemic* and following the practice directions issued by his Lordship, the Chief Justice dated 17th March, 2020 and published in the Kenya Gazette of 17th April 2020 as Gazette Notice no.3137, this ruling has been delivered to the parties by electronic mail. They are deemed to have waived compliance with order 21 rule 1 of the *Civil Procedure Rules* which requires that all judgments and rulings be pronounced in open court.

HON. LUCY N. MBUGUA

ELC JUDGE