



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT MERU**

**ELC SUIT NO. 12 OF 2019**

**ESTHER MPANDI MUCHENA (Suing as administrator of the estate of**

**Amos Muchena M'Arimi (deceased).....PLAINTIFF/APPLICANT**

**VERSUS**

**NKANDO FARMERS COOPERATIVE SOCIETY LIMITED...1<sup>ST</sup> DEFENDANT/RESPONDENT**

**THOMAS KINOTI.....2<sup>ND</sup> DEFENDANT/RESPONDENT**

**RULING**

1. In the application dated 28.3.2019, plaintiff/applicant seeks orders that pending the hearing and determination of this application and the suit, the defendants/respondents, their agents, assigns, servants and any other persons howsoever be restrained from fencing, subdividing, alienating the plaintiff/applicant's interest illegally or otherwise interfering with the plaintiff's quiet possession and enjoyment of land reference number Timau/timau Block 7/581 (Nkando Farmers) and/or dealing in any manner whatsoever with the said piece of land.
2. The grounds in support of the application are that the applicant is the administrator of the estate of Amos Muchina M'Arimi (deceased) who had purchased several shares in the suit property from the 1<sup>st</sup> defendant. Applicant further avers that she has enjoyed quiet possession of the suit property since 1992 and that such occupation has been open, notorious, continuous and adverse to that of the registered proprietors thereof.
3. The respondents have apparently forcibly entered the suit property with the aim of subdividing the same and issuing new titles to the detriment of the applicant.
4. Applicant has also filed a supporting affidavit where she has reiterated the grounds in support of the application.
5. Service of the application was effected but no response was filed. The application is therefore unopposed.
6. I allow the application on condition that the injunctive orders granted herein shall remain in force for a period of one year ONLY. Costs in the cause.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 22<sup>ND</sup> MAY, 2019 IN THE PRESENCE OF:-**

C/A: Kananu

Kimathi A for plaintiff

Muriera holding brief for Mutunga for respondent

2<sup>nd</sup> defendant (Thomas Kinoti)

**HON. LUCY. N. MBUGUA**

**ELC JUDGE**