

**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT**  
**NYAHURURU**  
**ELCLOS NO. E009 OF 2025**

**1. WAMBUGU WAMAGURU**  
**2. KIMONDO WAMAGURU**  
**3. PETER NDIRUKA KIHANYA** .....**APPLICANTS**  
**4. BEN GATHOGO**

**VERSUS**

**PETER NYOIKE**

**MUIGAI.....RESPONDENT**

**RULING**

**1.** Before me is a notice of motion application dated 29.10.2025 filed contemporaneously with the suit which is based on adverse possession. The plaintiffs seek orders of injunction restraining the respondent from interfering with the suit parcel LAIKIPIA/ NYAHURURU/225 pending the hearing of the suit. The applicants aver that they have been in exclusive possession of the suit land

for a period of over 50 years, that is where they have established homes. However, on 30.9.2025, the respondent sent goons to destroy their crops, prompting the applicants to lodge a complaint with the police vide OB NO. 04/02/9/2025.

**2.** The respondent has opposed the application vide his replying affidavit dated 27.11.2025. He avers that he bought the suit parcel from the father of the applicants way back in 1983 and he took over possession thereof and he was also issued with a title deed on 15.2.1984. That he remained on the suit land until year 2024 when he learnt that the applicants had encroached on the suit land. He contends that no cultivation or structures are on the suit land, though now there is a newly erected structure on the suit land.

**3.** In view of the fact that the protagonists have proffered a different script regarding the nature of developments on and utilization of the suit land, this court finds it expedient to defer the ruling until the scene is visited by the court. As such, an order is hereby issued for the

Deputy Registrar of the court to visit the scene with the parties and or their appointed representatives and to file a report thereof capturing the following;

**a)The nature of the developments on the suit land including any structures, fences etc**

**b)How the land is being utilized.**

**DATED, SIGNED AND DELIVERED AT NYAHURURU  
THIS 5<sup>TH</sup> DAY OF MAY 2026 THROUGH MICROSOFT  
TEAMS.**

**LUCY N. MBUGUA  
JUDGE**

**In the presence of:**

**Bedan - Court Assistant**

**Abuya M. Advocate for the Applicants**

**Olute Advocate for the Respondent**