



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT NAIROBI

ELC CIVIL CASE NO.166 OF 2016

PAUL KARIUKI KIRAGU.....PLAINTIFF

=VERSUS=

ANN GICHOHI.....DEFENDANT

RULING

1. This is the notice of motion dated 20th September 2018 brought under order 1 rules 10(2), 14, order 40 rules 1, 2 and 4, orders 51 rule 1, order 8 rule 3 of the Civil Procedure Rules and Section 3A and 63(e) of the Civil Procedure Act.

2. It seeks orders:-

1. Spent.

2. Spent.

3. That Embakasi Ranching Company Limited and Mbugua Kamau be enjoined in this suit/plaint as defendants.

4. That temporary injunction does issue in the first instance for 14 days or as the court may direct against the plaintiff, Embakasi Ranching Company Limited and Kamau Mbugua (as the 2nd and 3rd defendants respectively or as the Hon. court may direct), their servants, employees and agents restraining them from processing/issuing titles/leases to the plaintiff upon the defendant's Plot Numbers Nairobi Block 136/2156 and Nairobi Block 136/2155 situated at Ruai within Embakasi Ranching Company Limited Settlement Scheme pending hearing and determination of this suit.

5. That costs hereof be provided for.

3. The grounds are on the face of the application and are set out in paragraphs (i) to (vii).

4. The application is supported by the affidavit of Ann Gachohi, the defendant/applicant herein sworn on the 20th September 2018.

5. The application is opposed there is a replying affidavit sworn by Paul Kariuki Kiragu the plaintiff/respondent herein on the 29th October 2018.

6. On the 6th November 2018 the court directed that the notice of motion be canvassed by way of written submission. By the time of writing this ruling, neither of the parties had filed submission.

7. I have considered the notice of motion and the affidavit in support. The issue for determination is whether this application is merited.

8. The defendant/applicant seeks to bring in interested parties at this stage without disclosing what their interest is. The inclusion of these parties may prejudice the expeditious dispensation of this dispute.

9. I find no merit in this application and the same is dismissed with costs to the plaintiff/respondent.

It is so ordered.

Dated, signed and delivered in Nairobi on this 24th day of October 2019.

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L. KOMINGOI

JUDGE

In the presence of:-

Mr. Kihindi for Kahuthu for the Plaintiff

Ms Wachira for Onyango for the Defendant

Kajuju - Court Assistant