



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC MISCELLANEOUS CASE NO. 07 OF 2019

NDEREBA NAICHU.....APPLICANT

VERSUS

KANGA MWIRABUA.....1ST RESPONDENT

MBIUKI MWIRABUA.....2ND RESPONDENT

CIAMBERE KANGANGI.....3RD RESPONDENT

JOHN MUTEGI KANGANGI.....4TH RESPONDENT

KABURU KANGANGI.....5TH RESPONDENT

KAARI KANGANGI.....6TH RESPONDENT

CIAMUI KANGANGI.....7TH RESPONDENT

CIAMBAKA KANGANGI.....8THRESPONDENT

NYAGA MPUNGU.....9TH RESPONDENT

KAGENDO CIAMBAKA.....10TH RESPONDENT

KITHINJI KABURU.....11TH RESPONDENT

MUTHONI MUTEGI.....12TH RESPONDENT

RULING

1. When this matter came up for hearing of the main suit, Mr. Riungu for the respondents, told the court that he had been served in court, with an application seeking injunctive orders dated **20th November, 2019**. He told the court that the application contained issues which had been raised earlier. He was unequivocal that his clients had not put up any new developments since **2016**. He said that the photos annexed were for a building whose construction stalled in **2016**. He asked the court to send its executive officer to ascertain the same.

2. Mr. Kaumbi, the applicant's advocate, told the court that he was unable to tell who between his client and the respondents was/were telling the truth. He said that if status quo was maintained he was ready to proceed with the hearing of the main suit.

3. Mr. Riungu told the court that he would tell his clients to maintain status quo.

4. The subject application which is dated **20th November, 2019** states as follows:

1. That this application be certified as urgent and heard ex-parte in the first instance.

2. That this honourable court be pleased to grant an order of temporary injunction restraining the defendants/respondents by themselves, employees, servants, agents and/or workmen from proceeding with any work of whatever kind on, or any other acts of trespass upon L.R.

Karingani/Mariani/395 for purposes of preserving the status quo pending hearing and determination of this application.

3. That this honourable court be pleased to grant an order compelling the defendants/respondents by themselves or through their employees, servants, agents and/or workmen to withdraw their construction materials from L.R. Karingani/Mariani/395 for purpose of preserving status quo pending hearing and determination of E.L.C Case No. 19 of 2019 (OS)

4. That the honourable court be pleased to grant an order of temporary injunction restraining the respondents by themselves, their officials, servants, agents and/or workmen from carrying out work of whatever kind on L.R. Karingani/Mariani/395 pending hearing and determination of E.L.C. Case No. 19 of 2019 (OS) in which the applicant has been sued by the respondents.

5. That the costs of this application be provided for.

5. The following orders are issued:-

a) This application is deemed heard and determined with no order as to costs.

b) Status quo be maintained.

c) Hearing of the main suit to proceed today.

Delivered in open Court at Chuka this 26th day of November, 2019 in the presence of:

CA: Ndegwa

Riungu for the Plaintiff

Kaumbi for the defendants

P.M. NJOROGE

JUDGE