



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 112 OF 2017

FORMERLY MERU ELC 147 OF 2009

ROYFORD RIUNGU KUURA.....1ST PLAINTIFF/RESPONDENT

WASHINGTON KIRIMI KUURA.....2ND PLAINTIFF/RESPONDENT

CHARLES NYAGA KUURA.....3RD PLAINTIFF/RESPONDENT

VERSUS

M'KUURA M'RIRIA.....1ST DEFENDANT/APPLICANT

TURA KARINGURI.....2ND DEFENDANT/APPLICANT

ATTORNEY GENERAL.....3RD DEFENDANT/APPLICANT

RULING

1. This application is brought to court under section 14 of the Environment and Land Court Act and under Order 22 Rule 29 of the Civil Procedure Rules. The application has the following prayers:-

- a) That the application be heard ex-parte in the first instance and service be dispensed with.
- b) That the application be certified as urgent.
- c) That eviction warrants pursuant to the decree made on 19.3.2018 be issued to Samuel Kariithi T/A Quickline Auctioneers of P. O. Box 780-20300, Nairobi.
- d) That the officer commanding Ntumu Police Station do provide security and maintain peace during execution of the eviction warrants.
- e) That costs for the application to be provided for.

2. The application is supported by the affidavit of Stephen Oyugi Okero, the applicants' counsel sworn on 18th December, 2019 which states as follows:

1. That I am an adult of sound mind and hence competent to make this affidavit.
2. That I am an advocate of the high court of Kenya practicing in the name and style of M/S Oyugi & Company Advocates having the conduct of the application filed herein and duly authorized by the applicants to make this affidavit on their behalf.
3. That I am conversant with the facts of the suit from institution to final judgment.
4. That on 19th March, 2018 a decree against the defendants was passed by the honourable court requiring the 1st defendant and 2nd defendant to vacate the suit premises. Annexed hereto marked SOO1 is a copy of the decree.
5. That the judgment debtor/1st and 2nd defendants do not have any order staying the execution of the said decree as the same was

discharged when his application was dismissed on.

6. That I am informed by the decree holder which information I verily believe to be true and correct that the 1st defendant is still in occupation of the decreed parcels and has refused, failed and/or ignored to vacate the decreed parcels.

7. That I am further informed by the decree holder that the defendant is staying in the decreed parcels with his family.

8. That on behalf of the decree holder, I pray that eviction warrants be issued to Samuel Kariithi T/A Quickline Auctioneers of P. O. Box 780-20300, Nairobi. (Annexed hereto marked SOO2 is a copy of the letter appointing him to execute the court decree).

9. That I further pray on behalf of the decree holder that the Officer Commanding Ntumu Police Station to provide security and maintain peace during the execution of the said warrants.

10. That I make this affidavit conscientiously in support of the application filed herein.

11. That what is hereinabove deponed to is true to the best of my knowledge and belief.

3. I find that it is not necessary to have this application heard interpartes as it is meant to facilitate the implementation of this court's judgment.

4. In the circumstances, I issue the following orders:

a) This application is certified urgent and has been heard and determined.

b) Prayer c is granted and eviction warrants are issued pursuant to the decree made on 19th March, 2019 to SAMUEL KARIITHI T/A QUICKLINE AUCTIONEERS of P. O. Box 780-20300, Nairobi.

c) An order is hereby issued that the officer commanding NTUMU POLICE STATION do provide security and maintain peace during execution of apposite eviction warrants.

d) Costs for this application are awarded to the plaintiffs/applicants.

Delivered in open Court at Chuka this 18th day of December, 2019

in the presence of:

CA: Ndegwa

Stephen Oyugi Okero for the plaintiffs

P. M. NJOROGI,

JUDGE.