



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT

AT MERU

CIVIL CASE NO 325 OF 2017

SAMUEL M'IMANGI M'LAARU (SUING BY HIS NEXT

FRIEND JERUSHA KANARIO MWENDA).....PLAINTIFF

VERSUS

MARTIN MURITHI MAINGI.....1ST DEFENDANT

LAND REGISTRAR, MAUA LAND REGISTRY...2ND DEFENDANT

R U L I N G

1. The application filed on 19:12:17 was brought before me under a Certificate of Urgency and on that day, the Court granted prayer 3 in the interest of justice pursuant to provisions of Section 63 of the Civil Procedure Act.
2. Today (16:01:18), the Court has given further directions on how the application is to be heard. The hearing of the applicant is on 07:03:18.
3. Counsel for the applicant has requested for the extension of the orders given on 19:12:2017 (prayer 3).
4. 1st Defendant's Counsel has raised an objection on the extension of the said orders averring they are not aware of the order, that the order contradicts a ruling by the High Court in Nairobi Misc. Application NO. 106 of 2017. It is further averred that the ruling is a duplication of the order the applicant have annexed as JKM 1, (an order by Judge Farah Amin).
5. Counsel for plaintiff has averred that 3 weeks after the Court order of 07:08:17 (in the Nairobi case), the 1st Defendant transferred the property to himself.
6. The orders granted by this court on 19:02:17 reads as follows:-

“That the 2nd Defendant be restrained by himself, his agents or servants from alienating, subdividing, selling, mortgaging, charging on dealing in whatsoever manner with NJIA/KIEGOI/176 and NJIA/ CIA MWENDWA/3460 or any portion until further orders of this Court”.
7. Firstly, this Court cannot make a finding on whether the orders in question contradicts a certain ruling by the High Court in Nairobi Misc. App. No. 106/17 for the reason that such a ruling has not been availed

to the Court.

8. With regard to the order of 07:08:17 in the case before Judge Farah Amin in NAIROBI, the same is directed to “all the members of the family. That order is mainly dealing with the income accruing from the suit properties.

9. The order in the present matter is directed to the 2nd Defendant. It is only meant to ensure that the land is not alienated. I find no contradiction at all.

10. As such, the orders granted on 19:12:17 are hereby extended until 07:03:18.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 16th JANUARY, 2018 IN THE PRESENCE OF:-

Court Assistant: Janet

Ndungu for Plaintiff present

Thangicia H/B for Ngunjiri for 1st Defendant present

HON. L. N. MBUGUA

ELC JUDGE