

REPUBLIC OF KENYA

ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO. 36 OF 2018 (OS)

STANLEY GITONGA M'MWITHAMBU.....APPLICANT

VERSUS

STEPHEN M. KIAMBATI.....1ST RESPONDENT

MURITHI ZACHARY MUTUAMBIA.....2ND RESPONDENT

RULING

1. The application dated 17.9.2018 seeks the following orders:

(i) Spent.

(ii) That the Honourable court be pleased to issue an order of Inhibition to inhibit parcel No. Kiirua/Naari/1554 until this application is heard inter-parties.

(iii) That the Honourable court be pleased to confirm prayer (2) above until this cause is heard and determined.

(iv) That costs of this application be in the cause.

2. The grounds in support of the application are that the applicant was born on the suit land, that he is the one in occupation of the suit land (where he has built a permanent house) for a period of over 15 years and that the respondents have threatened to evict him. Applicant also avers that he has no other land and that the respondent has never stayed on the Suitland as he stays elsewhere, 15 kilometers away.

3. When the application came up for inter-partes hearing on 18/10/2018, there was no appearance for Defendants'/ Respondents. This ruling is hence based on the material so far provided by the Applicant. I find that the application is merited. The same is allowed as drawn.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 31ST DAY OF OCTOBER, 2018 IN THE PRESENCE OF:-

Court Assistant: Janet/Galgalo

Ogoti for applicant

HON. LUCY. N. MBUGUA

ELC JUDGE