



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 64 OF 2017

FORMERLY MERU ELC CASE NO.185 OF 2016

HUMPREY MBAABU MBAKA.....PLAINTIFF

VERSUS

M'NDEREBA M'NAICHU.....1ST DEFENDANT

**THE LAND ADJUDICATION & SETTLEMENT OFFICER MERU SOUTH.....2ND
DEFENDANT**

THE LAND REGISTRAR MERU SOUTH.....3RD DEFENDANT

THE HON. ATTORNEY GENERAL.....4TH DEFENDANT

RULING

1. This application is dated 6.10.2016 and seeks orders:

1. That this application be certified urgent
2. That pending the hearing and determination of this application an order of inhibition do issue restraining the registration of all dealings relating to L.R. NO.KARINGANI/MARIANI/5452.
3. That pending the hearing and determination of this suit an order of inhibition do issue restraining the registration of all dealings relating to L.R. NO.KARINGANI/MARIANI/5452.
4. That costs of this application do abide the outcome thereof.

2. The application is supported by the affidavit of Humphrey Mbaabu Mbaka and has the following grounds:

1. That the plaintiff was the owner of the entire suit property prior to the completion of the adjudication process.
2. That the 1st defendant clandestinely obtained a decision to hire off a portion from the suit property by the 2nd defendant.
3. That the implementation of the said decision was stayed by a validly obtained court order.

4. That prior to the determination of the suit in which the order was obtained the 2nd defendant has proceeded to implement his decision paving the way for the 3rd defendant to register the 1st defendant as the owner of the disputed portion.
5. That the defendants have acted illegally unlawfully and fraudulently and deprived the plaintiff of a substantial portion of this land.
6. That the plaintiff is apprehensive that the 1st defendant shall deal with the portion he has obtained in a manner detrimental to the plaintiff's interest.
7. That it is the interest of justice and fairness that the orders herein are sought.

3. On 9th March, 2017, MR. Muriithi for the plaintiff urged the court to allow the application as it only sought an order of inhibition to preserve the suit land.

4. I find that an order of inhibition will not prejudice any of the parties.

5. The application is allowed and prayer 3 is confirmed.

6. Costs shall be in the cause.

7. The plaintiff is directed to serve the orders issued by the court today upon the 2nd, 3rd and 4th defendants within 7 days of today.

8. The plaintiff is ordered to fully comply with order 11, CPR, within 7 days of today and the defendants are to fully comply with order 11 CPR, within 7 days after receipt of the plaintiff's compliance documents.

9. Parties to come to court for directions on 23.3.2017.

10. It is so ordered.

Delivered in open court at Chuka this 9th day of March, 2017 in the presence of:

CA: Ndegwa

Muriithi for the plaintiff

P. M. NJOROGE

JUDGE