



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA AT CHUKA

CHUKA ELC CASE NO 29 OF 2017

FORMERLY MERU ELC CASE NO. 51 OF 2015

GERALD KAJOGO IGUNA.....PLAINTIFF

VERSUS

MURIUNGI MAKEMBO SOLOMON.....SOLOMON

RULING

1. This application is dated 2nd July, 2015 and seeks orders:

1. That this application be certified as urgent and be heard exparte in the first instance.
2. That this honourable court be pleased to issue an order of inhibition inhibiting any dealings with Land Reference No.THARAKA/NKONDI "A"/527 until this suit is heard and determined or until further orders of this court.
3. That costs of this application be provided for.

2. The application is supported by the affidavit of GERALD KAJOGO IGUNA and has the following grounds:-

- a) That the Defendant stole the Plaintiff's land while the Plaintiff was away.
- b) That Clan elders have besought the Defendant to transfer the land to the Plaintiff but the Defendant is adamant.
- c) That the Defendant is looking for a buyer to dispose of the land and complicate issues.
- d) That it is important for the court to intervene and preserve the suit property.

3. The parties have put in written submissions.

4. I have carefully considered the pleadings, submissions and the authorities proffered by the parties to buttress their respective propositions.

5. To protect the integrity of the process where the fulcrum of the suit is the disputed land, I find it right and just to grant the prayer for inhibition.

6. In the circumstances, prayer 2 is granted.

7. Costs shall be in the cause.

8. The plaintiff is ordered to comply with order 11, CPR, within 14 days and the defendant is to do so within 14 days after receipt of the plaintiff's compliance documents.

9. Parties to come back to court for directions on 5.4.2017.

10. It is so ordered.

Delivered in open court at Chuka this 8th day of March, 2017 in the presence of:

CA: Ndegwa

Miss Mbaikiata for the plaintiff

Miss Wanjohi for the defendant

P.M. NJORGE

JUDGE