



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO 115 OF 2017

FORMERLY MERU ELC CASE NO 100 OF 2009

MARTIN MUGAMBI.....1ST PLAINTIFF

AGNES MWIMBI.....2ND PLAINTIFF

VERSUS

NJERU NYAGA ALIAS NDURURU NYAGA.....DEFENDANT

RULING

1. This application is dated 23rd November, 2016 and seeks orders:

1. THAT the application be certified urgent in the first instance.

2. THAT the Honourable Court be pleased to issue inhibition orders against KARINGANI/NDAGANI/9554 – 9565 until further orders of the Court or until suit herein is heard and determined.

3. THAT costs be in the cause.

2. The application is buttressed by the affidavit of ALEXANDER NJUE MARETE and has the following grounds:

a. THAT the respondent herein sub-divided the subject matter of the suit KARINGANI/NDAGANI/4208 to have 9554 – 9565 while the matter was still pending.

b. THAT the respondent after sub-dividing the subject matter, he has sold the part to third parties, thus the applicants risks eviction any time.

c. THAT the matter is still pending for hearing and determination, thus the reason to preserve the status quo and to avoid prejudicing the applicant.

3. I have perused the submissions proffered by the parties. They take diametrically opposed positions. Issues such as that the application cannot succeed as one of the parties is deceased and that the suit against the 2nd plaintiff has abated have been raised. In the interest of justice and to expedite the hearing and determination of this suit, I find it necessary to grant prayer 2 in the application so that the suit land can be preserved. It is only a prayer for inhibition of any dealings concerning Land parcel Nos. KARINGANI/NDAGANI/9554 – 9565 until this suit is heard and determined.

4. In the circumstances, prayer 2 is granted.

5. Costs shall be in the cause.

6. Parties to take directions on 6.7.2017.

7. It is so ordered.

Delivered in open court at Chuka this **6th day of April, 2017** in the presence of :

CA: Ndegwa

Momanyi Gichuki h/b Gathungu for the Defendant

P.M. NJOROGE

JUDGE