

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT NAIROBI

ELC. CASE NO. 155 OF 2017

JANE NJERI THUKU.....PLAINTIFF

VERSUS

DOMINIC GATHECHA KINYUA.....1ST DEFENDANT

VINCENT OMONDI ARINGO.....2ND DEFENDANT

RULING

The Plaintiff filed the application dated 7th March 2017 seeking a temporary injunction to restrain the Defendants from carrying out any construction on Plot number 342 (R351) in Lucky Summer Estate Company Limited pending hearing and determination of that application.

The court certified the application urgent and granted interim orders which were subsequently extended. The Plaintiff applied to serve the Defendants by substituted means since they could not be traced for service. That application was allowed.

The Plaintiff's counsel argued the application for injunction on 19th July 2017. He urged the Court to issue a temporary injunction to restrain dealings on the Suit Property pending hearing and determination of the suit yet this prayer was not made on the application.

The application for injunction is spent. The court cannot therefore issue a temporary injunction to remain in force pending hearing and determination of the suit. The court makes no orders as to costs.

Dated and delivered at Nairobi this 25th day of July 2017.

K. BOR

JUDGE

In the presence of: -

Ms. Gachinga holding brief for Mr. Mbugua for the Plaintiff

No appearance for the Defendants

Mr. V. Owuor- Court Assistant