

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

E&L CASE NO. 75 OF 2017

PLISILA KATHAMBIPLAINTIFF/APPLICANT

VERSUS

SARAH KAGURI M'RIMBERIA1ST DEFENDANT/RESPONDENT

R U L I N G

1. The Notice of Motion dated 6th day of March, 2017 seeks the following orders:-

1. Spent.

2. That this Honourable Court do issue an injunction restraining the Defendants , their servants, agents, employees or anyone acting on their behalf from building, trespassing, cultivating upon or in any other way interfering with the Plaintiff's rights of occupation or from transferring, selling or subdividing, or evicting the Plaintiff/Applicant, or in any other way interfering with the Plaintiff's rights of ownership of the Parcel of Land Title Number Nyaki/Chugu/943 pending the hearing and determination of this Application.

3. That this Honourable Court do issue an injunction restraining the defendants, their servants, agents, employees or anyone acting on their behalf from building, trespassing, cultivating upon or in any other way interfering with the Plaintiff's rights of occupation or from transferring, selling or subdividing, or evicting the Plaintiff, or in any other way interfering with the plaintiff's rights of ownership of the Parcel of Land Title No. NYAKI/CHUGU/943 pending the hearing and determination of this suit.

4. That costs be in the cause.

2. The application is based on the grounds:-

a. That the 2nd Respondent sold right of ownership he had acquired from the 1ST Respondent over the land Parcel Title No. NYAKI/CHUGU/311.

b. That the Applicant is in possession of a 0.50 Acres portion of the land formerly known as Land Parcel Title No. NYAKI/CHUGU/311 and the portion she is in possession of is now known as Land Parcel Title Number NYAKI/CHUGU/943.

c. That the Applicant is apprehensive that the Respondent wish to deprive her right over Land Parcel Title Number NYAKI/CHUGU/943.

3. The Application was served but no response was filed.

4. In paragraph 7 of the plaint, Plaintiff has stated that she has been in occupation of the Suitland since the year 2010. Prayer 3 is allowed but for a period of 1 year. Costs in cause.

DELIVERED, DATED AND SIGNED IN OPEN COURT AT MERU THIS 21ST DAY OF SEPTEMBER, 2017 IN THE PRESENCE OF: -

CA: Janet

Mammu for Plaintiff/applicant

HON. L.N. MBUGUA

ELC JUDGE