



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT NAIROBI**

**E.L.C. CASE NO. 419 OF 2017**

**JOHN CHUAGA NGANGA.....PLAINTIFF**

**VERSUS**

**BENSON LIGAVOH AMUTAVI.....DEFENDANT**

**RULING**

The Plaintiff seeks a temporary injunction to restrain the Defendant from trespassing, constructing or interfering with the Plaintiff's plot being L.R. No. Nairobi/Block 82/1016 Savanah Estate, Nairobi ("the Suit Property") pending hearing and determination of this suit.

The application is supported by the Plaintiff's affidavit in which he depones that he is the registered owner of the Suit Property and has been in possession since 2002. He states that sometime in June, 2017 the Defendant's agents demolished his perimeter fence and destroyed the building materials that the Plaintiff had placed on the road reserve adjoining the Suit Property. The Plaintiff annexed a copy of the certificate of lease showing that he is the registered owner of the Suit Property together the approval by the Nairobi City County for the proposed building of a dwelling house on the Suit Property. The Plaintiff laid a foundation on the Suit Property pursuant to that approval.

The Plaintiff claims that the Defendant demolished his perimeter wall and destroyed his foundation when the Defendant constructed on the road reserve thereby blocking the Plaintiff's access to the Suit Property.

The Defendant was served but he failed to appear or file a replying affidavit.

The court is satisfied that the Plaintiff has met the threshold for the grant of a temporary injunction. The Defendant is hereby restrained from trespassing, constructing or otherwise dealing with the access road to the Suit Property or interfering with the Suit Property until this suit is heard and determined.

Dated and delivered at Nairobi this 20<sup>th</sup> day of September 2017.

**K. BOR**

**JUDGE**

In the presence of: -

No appearance for the Plaintiff and Defendant

Mr. V. Owuor- Court Assistant