



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT CHUKA

CHUKA ELC CASE NO 209 OF 2017

CANISIO MICHENI THAMBO.....PLAINTIFF

VERSUS

DOMISIANO MURUNGI THAMBO.....1ST DEFENDANT

GENESIO MWENDA MURUNGI.....2ND DEFENDANT

DORIS WANJA MURUNGI.....3RD DEFENDANT

NANCY KAARI MURUNGI.....4TH DEFENDANT

PAMELA GAKII MURUNGI.....5TH DEFENDANT

RULING

1. This application is dated 9th October, 2017. It seeks orders:

1. That this application be certified as urgent.

2. That the honourable court be pleased to issue order of inhibition restraining any kind of dealings in land parcel MWIMBI/CENTRAL MAGUTUNI/227 pending the hearing of his application.

3. That the honourable court be pleased to issue order of inhibition restraining any kind of dealings in land parcel MWIMBI/CENTRAL MAGUTUNI/227 pending the hearing and determination of this suit.

4. That cost of this application be provided for.

2. The application has the following grounds:

1. That the defendants are threatening to evict the plaintiff and sell the suit land.

2. That the plaintiff children as well as the defendants live on the said parcel.

3. That if the plaintiff is evicted from the suit land he has been in possession and occupation for all his life he stands to be rendered destitute and suffer great loss and damage.

4. That the defendants would not be prejudiced by the said order.

3. On 11.10.2017, interim orders were granted at ex parte stage. Parties were ordered to come to court for hearing inter partes.

4. On 19.10.2017, the plaintiff's advocate did not attend court. The defendant/respondent was represented by advocate Muthomi. Mr. Muthomi asked the court to dismiss the application for non-prosecution.

5. I note that the plaintiff's advocate did not offer any excuse for not attending court to prosecute the application.

6. In the circumstances, the application is dismissed. Interim orders granted vide this court's ruling delivered on 11th October, 2017 are vacated.

7. Costs shall be in the cause.

8. It is so ordered.

Delivered in open court at Chuka this 19th day of October, 2017 in the presence of:

CA: Ndegwa

Muthomi for Defendant/Respondent

P.M. NJOROGÉ

JUDGE