



**REPUBLIC OF KENYA**

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

**ELC CASE NO. 296 OF 2017**

**EDWARD MUTUMA MBAE.....PLAINTIFF**

**VERSUS**

**TIMOTHY KABURU MANYARA.....DEFENDANT**

**RULING**

The Court notes that the prayers sought in the application of 02.10.17 are for a mandatory injunction. Applicant wants the Respondent to be evicted from the suit land. These are the same same prayers set forth in the plaint.

If the orders are granted at this stage, it would in essence finalize the suit at an interlocutory stage. This is however nor proper as the court needs to hear the case on its merits.

In the circumstances, the application filed on 2.10.17 is hereby dismissed.

Applicant is to ensure that summons to enter appearance are served, then the court can hear the case, expeditiously.

**DELIVERED, DATED AND SIGNED AT MERU THIS 17<sup>TH</sup> DAY OF OCTOBER, 2017 IN THE PRESENCE OF:-**

**C:A Janet**

**Plaintiff present**

**Defendant absent**

**Hon. L.N.MBUGUA**

**ELC JUDGE**