

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 not 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 17TH DAY OF OCTOBER, 2017 IN THE PRESENCE OF:-

C:A Janet

Plaintiff present

Defendant absent

Hon. L.N.MBUGUA

ELC JUDGE