



**REPUBLIC OF KENYA**

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

**ELC CASE. NO. 236 OF 2017**

**HARRISON MUTETHIA AMBURUGWA.....PLAINTIFF**

**VERSUS**

**GREAT ACHIEVERS INVESTMENT GROUP LIMITED..... DEFENDANT**

**R U L I N G**

1. The Notice of Motion dated 28<sup>th</sup> July, 2017 seeks the following orders:-

1) Spent.

2) That this Honourable Court be pleased to order that an inhibition be issued and the same be registered against L.R. NO. NYAKI/THUURA/4185 to restrict any dealings or transfer of the said parcel of land and the District Land Registrar , Meru Central be directed to register the said inhibition against the said parcel of land pending the hearing and determination of this application inter partes or until further Court orders and/or this suit.

3) That the Honourable Court be pleased to issue an order of an interlocutory prohibitory injunction restraining the defendant by itself, its servants and/or agents or anybody else acting on its behest, direction, control or authority from evicting the Plaintiff , demolishing his houses, alienating, selling, transferring and/or in any other way whatsoever interfering with the plaintiff's quiet , peaceful, uninterrupted, actual and exclusive occupation and enjoyment in respect of the suit land L.R. NO. NYAKI/THUURA/4185 pending the hearing and determination of this application inter partes or until further Court orders and/or this suit.

4) That the costs of this application be provided for.

2. The application is based on the grounds:-

1) That the Plaintiff/Applicant has been and is in possession of the suit land L.R. NO. NYAKI/THUURA/4185 and has fully extensively developed the same.

2) That the Defendant has fraudulently transferred the plaintiff's parcel of land L.R. NO. NYAKI/THUURA/4185 in its name and is now secretly and stealthily seeking to sell the same to a 3<sup>rd</sup> buyer.

3) That the defendant is intent on forcibly evicting the plaintiff from the suit land and this Court's intervention is necessary to stop impunity and hooliganism.

4) That the Honourable Court do preserve the suit land and the status quo prevailing thereon by granting the Prayers sought by the Plaintiff.

3. No response has been filed despite the fact that service was effected.

4. I note that Plaintiff is no longer the registered proprietor of the suit property. The land is registered in the name of the defendant. However, Plaintiff has averred that the Suitland is where he has put up a home. This is where he ekes out a living.

5. In the Circumstances, I am inclined to allow the application for a limited period.

6. Prayer 3 is hereby granted but for a period of eight months.

7. No orders as to costs.

**DELIVERED, SIGNED AND DATED IN OPEN COURT AT MERU THIS 11<sup>TH</sup> OCTOBER, 2017 IN THE PRESENCE OF:-**

CA: Janet

Plaintiff Present

Defendant Present

**HON. L.N. MBUGUA**

**ELC JUDGE**