



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT NAROK

ELC CAUSE NO. 152 OF 2017

JOSHUA SARUNI OLE SHONKO.....PLAINTIFF/APPLICANT

-VERSUS-

TERESIA WANJIKU NJUGUNA.....1ST DEFENDANT

MARY SALENOI SHONKO.....2ND DEFENDANT

PERIS NYATHANGO SHONKO.....3RD DEFENDANT

DISTRICT LAND REGISTRAR-NAROK.....4TH DEFENDANT

RULING

The Application before me has been brought under order 45 of the Civil Procedure. The Applicant seeks a review of the orders made by the court on 6th April, 2017 and thus allows the Defendant entry and access to the parcel of land known as **CIS MARA NAIRAGIE-ENKARE/1021 AND 601** pending the hearing of the suit.

The Application was based on the grounds that the Applicant is the registered owner of the subject land as bonafide purchaser and that the Respondent has left the matrimonial home without provision for the applicant and her children and further that they will not interfere with the suit land and the Respondent had accepted purchase funds from the Applicant.

The Application was further supported by the Affidavit of Teresia Wanjiku Njuguna. In the Affidavit she basically says she wants a review of the injunctive orders issued against her by this court on 6th April, 2017.

The Respondent has opposed the Application stating that there is no error apparent on the record and now new facts have emerged to warrant the review that the Applicant is best suited to file an appeal and a review.

I have considered the Application before me together with grounds upon which it is based and the supporting affidavit thereof together with the replying affidavit in opposition to the application.

This court had on 6th April, 2017 issued injunctive orders against the applicant in that application the applicant had in her replying affidavit denied that she was married to the respondent herein as deponed in paragraph 5 of the Replying affidavit and her major ground in opposing the injunction application was that she was a purchaser of the suit and I find it rather puzzling in this application she is the wife of the Respondent and had sired children with him and he abandoned them.

Regardless of the above the grounds for review of orders as contained in the civil procedure are well settled. The Applicant has not demonstrated any error on the face of the record or whether new material facts has arisen.

In view of the foregoing I will dismiss the Application dated 23rd May, 2017 with costs to the Respondent.

It is so ordered.

Dated, Signed and Delivered in open court at **NAROK** on this **6th** day of **OCTOBER, 2017**

Mohammed Noor Kullow

Judge

In the presence of:

Mr Kilele holding brief for Karanja Mbugua for the plaintiff

N/A for the Defendant

CA:Chuma