



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
IN THE LAND AND ENVIRONMENT DIVISION

ENVIRONMENTAL AND LAND COURT CASE NO 300 OF 2013

JACOB MUNGIRIAPLAINTIFF

VERSUS

IKUYUA M'ITONGA.....DEFENDANT

MICHAEL MUTUMA MUNGANIA.....INTERESTED PARTY /APPLICANT

R U L I N G

This application is dated 13th July, 2015. It seeks orders:-

- a. ***THAT this Honourable Court be pleased to enjoin MICHAEL MUTUMA MUNGANIA the applicant herein as an interested party in this suit.***
- b. ***THAT the costs of this application be provided for.***

It has the following grounds:-

1. ***THAT the interested party is the current owner and occupier of one (1) Acre of land comprised in L.R. NO. NKUENE/MITUNGUU/1070 now Parcel Nos. 2890 and 2891 having bought the same from M'ITONGA M' ITUURU the father to the defendant.***
2. ***THAT this suit was filed in Court without the knowledge of the Applicant.***
3. ***THAT unless the orders sought are allowed, the applicant shall suffer irreparable loss without being heard as he will be evicted from the land.***
4. ***THAT if the orders of eviction are effected the interested party will be condemned unheard and the applicant will suffer great financial loss.***
5. ***THAT no prejudice will be occasioned to the present parties if the application is allowed by this Honourable Court.***

On 16th February, 2016, by consent, the parties asked the Court to allow the application. In the circumstances, **the application is allowed . The Applicant is ordered to file and exchange apposite documents including a defence within 14 days.**

Costs shall be in cause.

It is so ordered .

Delivered at Meru this 16th day of February, 2016 in the presence of:-

CC: Lilian/Daniel

Manasses Kariuki for the Plaintiff

Mrs. Ntarangwi for the 1st Defendant

Ken Muriuki for 2nd Defendant

Kiogora for the Interested Party.

P.M. NJOROGI

JUDGE