



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT NAKURU

ELC NO 42 OF 2016

SIMON PETER MAINA NJIRAINI.....PLAINTIFF

VERSUS

JOHN KIMANI KAIRUDEFENDANT

RULING

(Application for injunction; plaintiff being owner of suit property; no reply filed by defendant; prima facie case established; application allowed)

1. This suit was filed on 15 February 2016 by way of plaint. In the plaint, the plaintiff has pleaded that he is the registered owner of the land parcel Dundori/ Lanet Block 6/ 271 (Kiamunyeki) (the suit land). He has pleaded that the defendant has instructed some people to clear the plaintiff's land and prepare to plant maize. It is also pleaded that on 7 February 2016, the defendant brought all his cows to graze in the suit land. In this case, the plaintiff wants the defendant restrained from trespassing or interfering with the suit land.
2. Together with the plaint, the plaintiff filed an application for injunction which is the subject of this ruling. Despite being served, the defendant has not filed anything to respond to the application.
3. I have looked at the application and the supporting affidavit. The plaintiff has annexed a copy of title which shows that the suit property is in his name. The defendant has not filed anything to demonstrate why he should be utilizing the plaintiff's land.
4. I am of the view that the plaintiff has demonstrated a prima facie case with a probability of success and is entitled to the injunction sought. I therefore allow this application and issue an injunction stopping the defendant and/or his servants agents from entering, being upon, ploughing, grazing cattle, or in any other way interfere with the land parcel Dundori/Lanet Block 6/271 (Kiamunyeki) until the hearing and conclusion of this suit.
5. The plaintiff shall also have costs of this application.
6. It is so ordered.

Dated, signed and delivered in open court at Nakuru this 22nd day of March, 2016.

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU

In presence of: -

No appearance on part of M/s Geke & Co. for plaintiff/applicant.

No appearance for defendant.

Court Assistant : Janet

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU