



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

CIVIL SUIT NO 22 OF 2016

SABERA NCHEE.....1ST PLAINTIFF/APPLICANT

REGINA KAWIRA2ND PLAINTIFF/APPLICANT

NICHOLAS MUTWIRI.....3RD PLAINTIFF/APPLICANT

NAHASON MUTIA.....4TH PLAINTIFF/APPLICANT

CHARLES KIBURI.....5TH PLAINTIFF/APPLICANT

VERSUS

ISAIAH KILUI BAIBERE.....1ST DEFENDANT/RESPONDENT

DORCAS GAKII M'THIANGETA.....2ND DEFENDANT/RESPONDENT

R U L I N G

This application is dated 13/04/2016 and seeks orders:-

1. **THAT the Honourable Court be pleased to certify this application as urgent and hear it ex-parte in the first instance.**
2. **THAT the Honourable Court do issue an Order of Injunction restraining the defendants/respondents whether by themselves and/or their servants, assignees or anyone else acting at their behest from evicting Plaintiff or interfering with plaintiffs occupation of land parcel No ATHIRU/RUUNJINE/989 pending the hearing and determination of this suit application.**
3. **THAT the Honourable Court do issue an Order of Injunction restraining the defendants/respondents, whether by themselves and/or their servants, assignees or anyone else acting at their behest from evicting Plaintiffs or interfering with Plaintiffs occupation of land parcel No. ATHIRU/RUUNJINE/989 pending the hearing and determination of this suit .**
4. **THAT the Honourable Court be pleased to issue an Order of Inhibition restraining all dealings in Land Parcel NO. ATHIRU/RUUNJINE/989 pending the hearing and determination of this application.**

5. **THAT the Honourable Court be pleased to issue order of inhibition restraining all dealings in Land Parcel No. ATHIRU/RUUNJINE/989 pending the hearing and determination of this suit.**
6. **That cost of this application be provided.**

The application is supported by the Affidavit of SABENA NCHEE and has the following grounds:-

1. *The Plaintiffs and their families are in occupation of land parcel No. ATHITU/RUUNJINE/989*
2. *That the said land is registered in the name of the 1st defendant to hold it in trust for the Plaintiffs .*
3. *That the 1st defendant has sold the said land to the 2nd Defendant who has threatened to evict the plaintiffs from the same.*
4. *That unless orders sought herein are issued the plaintiffs stand to suffer irreparably.*

The application was heard interpartes on 23/05/2016, Mr. Kariuki, for the 2nd Defendant, informed the Court that the 2nd Defendant occupies parcel No. ATHIRU/RUUNJINE/9210 and will not be affected by any Injunctive Orders issued. Mr. Muthamia has undertaken that if Prayer 3 is granted the 1st defendant will not be kicked out of the suitland.

In the Interest of Justice and in order to have this matter heard and determined expeditiously, I issue the following orders:-

1. *Prayer 3 is granted with the condition that the Plaintiffs will not evict the 1st Defendant or interfere with his stay on the suit land.*
2. *Prayer 5 is granted.*
3. *This application is heard and settled.*
4. *Costs shall be in the cause.*

It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 23RD DAY OF MAY, 2016 IN THE PRESENCE OF:-

cc: Daniel/Lilian

Muthamia h/b Mutembei for Plaintiffs

Manases Kariuki for the 2nd Defendant

P.M. NJOROGI

JUDGE