



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

ENVIRONMENTAL AND LAND COURT CASE NO. 7 OF 2013

PETER MUGAMBI MUCHEE.....PLAINTIFF

VERSUS

HARRISON KIRIMI.....DEFENDANT

RULING

1. This application is dated 11/02/2013 and seeks orders:-

(1) That this application be certified as urgent and service of this application be dispensed with in the first instance.

(2) The Court be pleased to grant a temporary injunction restraining the respondent whether by himself, his agents and/or servants from trespassing on, causing massive destruction by cutting down trees and digging trenches or otherwise interfering or dealing with the plaintiff's property being parcel No. 1447 Adjudication Section CHIAKARIGA 'A' pending the hearing and determination of this application.

(3) The Court be pleased to grant an injunction restraining the respondent whether by himself, his agents and/or servants from trespassing on, causing massive destruction by cutting down trees and digging trenches or otherwise interfering or dealing with the Plaintiff's property being parcel No. 1447 Adjudication Section CHIAKARIGA 'A' pending the hearing and determination of this suit.

(4) The Officer Commanding Tharaka Police Station do enforce compliance of the orders above .

(5) The costs of this application be provided for.

(7) The Honourable Court be pleased to make such further or other orders as it may deem just and expedient in the circumstances of this case.

2. The application is supported by th affidavit of PETER MUGAMBI MUCHU and has the following grounds.

(1) That the Plaintiff/applicant is the legal owner of the said parcel No. 1447 Adjudication Section CHIAKARIGA 'A'.

(2) That the Respondent has interfered with the Plaintiff's said property by trespassing thereupon and damaging /causing massive destruction by cutting down trees and digging trenches thereon.

(3) That unless restrained, the respondent will continue to interfere and or cause further damage on the plaintiff's aforesaid property thereby causing the Plaintiff/Applicant irreparable damage with the likelihood of a breach of the peace.

3. On 18/07/2016, the parties agreed to abandon the application to allow the main suit to be heard.

4. In the Circumstances, the application is allowed. **The Plaintiff is directed to comply with order 11, CPR within 21 days of today and the defendant is to do so within 21 days thereafter. Directions will be taken on 14/09/2016.**

5. **It is so ordered.**

DELIVERED IN OPEN COURT AT MERU THIS 18TH DAY OF JULY, 2016 IN THE PRESENCE OF:-

CC: Daniel/Lilian

Otieno C. for the Plaintiff

Gichunge for the Defendant

P .M. NJOROGE

JUDGE