

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

ENVIRONMENT AND LAND COURT

ELC. CASE NO. 286 OF 2015

VICTORIA WAMBUI CHEGE..... PLAINTIFF

VERSUS

VERONICA MUKUHI NJOROGE.....DEFENDANT

RULING

I have considered Notice of Motion dated 31st March 2015 and the Supporting Affidavit thereto which is essentially unopposed. I have also read the Plaintiff's submissions. I consider that this suit is a simple one in which the only issue for determination is the actual location on the ground of the suit property being Kijabe/Kijabe Block 1/12228 which belongs to the Plaintiff as opposed to the Defendants' adjoining parcel of land being Kijabe/Kijabe Block 1/12229.

Upon determination of the physical locations of these two adjoining parcels on the ground then it will become clear whether the Defendant is trespassing on the Plaintiff's land as alleged. In these circumstances, this court considers it imprudent to allow the Plaintiff's Notice of Motion dated 31/3/16 which may amount to an eviction before the issue of location of the suit property is determined.

Accordingly, I direct that the status quo currently prevailing be maintained until the hearing and determination of this suit and the parties hereto are encouraged to jointly appoint a Surveyor to determine the issue of the location on the ground of the two adjoining parcels which hopefully may trigger a resolution of this dispute out of court. In the meantime, a date for a pre-trial conference may be allocated.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 1ST DAY OF JULY 2016.

MARY M. GITUMBI

JUDGE