



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA AT MERU

E&L CASE NO 219 OF 2016

SAMSORA DIMA.....PLAINTIFF

VERSUS

HALKANO SORA DIMA.....1ST DEFENDANT

ABDUB SORA DIMA.....2ND DEFENDANT

R U L I N G

1. This application is dated 7th November, 2016 and seeks orders:-

1. THAT this Honourable Court be pleased to certify this application as extremely urgent, service to be dispensed with and the same be heard ex-parte in the first instance.

2. THAT this Honourable Court be pleased to issue temporary orders of injunction restraining the 1st & 2nd Defendants, their agents, servants assigns or employees or anyone acting at their behest from whatsoever interfering with PLOT NUMBER 510 pending the hearing and determination of this application inter-parties.

3. THAT this Honourable Court be pleased to issue further orders to meet the end of justice.

4. THAT the costs of this application be provided for.

2. The application is supported by the affidavit of SAM SORA DIMA, the Plaintiff, and has the following grounds: -

a. That the Plaintiff is the registered owner of PLOT NUMBER 510.

b. That the 1st & 2nd Defendants illegally invaded and occupied the Plaintiff's land since 13/10/2016 and been using the land for his use (sic) thus rendering the Plaintiff destitute.

c. That if the orders sought herein are not granted the Plaintiff/Applicant will suffer irreparable loss and damage.

3. When the application was to be heard interpartes on 29th November, 2016, the Plaintiff demonstrated to Court that it had been properly served upon the Defendants who were not in Court to participate in the interpartes proceedings.

4. In the circumstances the application is allowed in terms of prayer 2.

5. The effect of granting prayer 2 is that it stands confirmed and this Court issues temporary orders of injunction restraining the 1st and 2nd defendants, their agents, servants, assigns or employees or anyone acting at their behest from whatsoever interfering with PLOT NUMBER 510 situated in Butie Ward in Moyale, Marsabit County pending the hearing and determination of this suit.

6. Costs shall be in the cause.

7. It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 7TH DAY OF DECEMBER, 2016 IN THE PRESENCE OF: -

C.A :

Daniel /James

Parties not in Court

P.M. NJOROGI

JUDGE