



**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT OF KENYA**

**AT NAKURU**

**ELC NO. 99 OF 2014**

**ANTHONY NGETICH SEUREY.....PLAINTIFF**

**VERSUS**

**JOHN WACIRA CHIRI .....1<sup>ST</sup> DEFENDANT**

**PAUL CHESIRE arap CHEBII .....2<sup>ND</sup> DEFENDANT**

**KALENJIN ENTERPRISES LIMITED .....3<sup>RD</sup> DEFENDANT**

**AND**

**JAMES KIBARU MUNGAI .....1<sup>ST</sup> INTERESTED PARTY**

**REUBEN NJENGA MUNGAI .....2<sup>ND</sup> INTERESTED PARTY**

**RULING**

***(Application for injunction to preserve the suit properties; application not opposed; application allowed; orders of inhibition issued; status quo on the ground to be maintained)***

1. The application before me is that dated 18 March 2015 filed by the interested parties. In the application, they want the 1st defendant restrained from selling, charging, leasing, assigning, trespassing into, or in any other way, interfering with the title numbers Nakuru Municipality Block 29/243 and Nakuru Municipality Block 29 /244 (the suit properties) until the hearing and determination of this suit.

2. This is a tripartite dispute wherein the suit properties are being claimed by the plaintiff, the 1st and 2nd defendants, and the interested parties. I note that there had been an earlier application by the plaintiff for injunction, which appears not to have been prosecuted. It will be seen that in this application, the interested parties also want orders of injunction. At the hearing of this application, Mr. Oumo for the 1st defendant did not oppose the application. I am on my part not averse to issuing orders stopping any dealings with the titles in issue. I am however not too sure of who is in possession of the property and in so far as possession is concerned, I order that status quo be maintained. Whoever is in possession should not make any further developments on the suit property and the suit properties should be maintained and utilized in their current state.

I therefore make the following orders :-

(i) *That all parties herein are barred from offering for sale, selling, charging, assigning, or in any other way dealing with the title numbers Nakuru Municipality Block 29/243 and 244.*

(ii) *That there is hereby issued an order of inhibition, barring the registration of any disposition in the register of the land parcel numbers Nakuru Municipality Block 29/243 and 244.*

(iii) *That the status quo prevailing in the land parcels Nakuru Municipality Block 29/243 and 244 be maintained.*

(iv) *That no party herein should make any new developments on the suit property.*

3. Costs of this application shall be costs in the cause.

It is so ordered.

**Dated, signed and delivered in open court at Nakuru this 22<sup>nd</sup> day of September 2015.**

**MUNYAO SILA**

**JUDGE**

**ENVIRONMENT AND LAND COURT**

**AT NAKURU**

**In presence of : -**

N/A for M/s Mutonyi Mbiyu for Interested parties/applicants

N/A for M/s Oumo & is for 1st defendant/respondent

N/A for M/s Karanja Mbugua for plaintiff

2<sup>nd</sup> and 3<sup>rd</sup> defendant in person: absent

Court Assistant : Janet

**MUNYAO SILA**

**JUDGE**

**ENVIRONMENT AND LAND COURT**

**AT NAKURU**