



**Thairu v Karuru (Environment & Land Case E066 of 2023)
[2024] KEELC 4100 (KLR) (16 May 2024) (Ruling)**

Neutral citation: [2024] KEELC 4100 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE E066 OF 2023**

**LN MBUGUA, J
MAY 16, 2024**

BETWEEN

CICILIA NYAMBURA THAIRU PLAINTIFF

AND

MICHAEL KAMOTHO KARURU DEFENDANT

RULING

1. This ruling relates to the application dated 22.8.2023 where plaintiff is seeking orders interalia restraining the defendant from trespassing, alienating, sub-dividing, selling, constructing or further erecting any building and or structures along the access leading to the property known as Nairobi Block 66/7141 pending the hearing of this suit.
2. In an effort to expedite the hearing of the case, the court with the consent of the advocates for the protagonists directed that the scene be visited by the surveyor to capture the nature and extent of ground occupation. The scene visit was necessitated by the averments made by the applicant's counsel that there was no access to plaintiff's plot. I have perused the report which indicates that there is indeed an access road to plaintiff's land, only that it is apparently 6 metres wide.
3. The issue as to the extent of encroachment is one to be considered at the trial and not at this interlocutory stage.
4. As such guided by the surveyor's report dated 31.1.2024, the court declines to grant any orders at this stage and the application dated 22.8.2023 is marked as spent.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 16TH DAY OF MAY, 2024 THROUGH MICROSOFT TEAMS.

**LUCY N. MBUGUA
JUDGE**



In the presence of:-

Ngugi for Plaintiff Applicant

Rienye for Defendant

Court assistant: Eddel

