



REPUBLIC OF KENYA

Industrial Court at Nyeri

Environmental & Land Case 585 of 2013

1. MERCY WAITHIRA NJERU)
2. NJERU K. GEOFFREY)
3. ANNE LYDIA NYAWIRA NJERU)
4. ELIZABETH WANDIA NJERU)PLAINTIFFS/ APPLICANTS
VERSUS

DANIEL NJERU NJOKA MBOGODEFENDANT/RESPONDENT

RULING

This is in respect to the plaintiff/applicants Notice of Motion dated 14/5/2013 seeking orders restraining the defendant/respondent, his agents and/or servants or any other person acting on his behalf from selling, transferring or howsoever dealing with land title numbers BARAGWE/GUAMA/2250 and BARAGWE/GUAMA/2252 pending the hearing of this suit.

The application is supported by the affidavit of the 2nd applicant in which it is deponed, inter alia, that the applicants and defendant all live on the suit properties with their families. The applicants are children of the defendant who separated with their mother in 2011 and it is the applicant's case that the defendant is in the process of selling the said properties which is part of their inheritance from their late grand father.

In their plaint filed herein on 15/5/2013, the plaintiffs/applicants claim that the defendant/respondent holds title to the said land in trust for them.

On 28/5/2013, this Court fixed the hearing of the Notice of Motion for 3/6/2013 and gave the defendant/respondent time to file his response to the Motion as he said he was not aware that he had to do so. When the matter came up on 3/6/2013, the defendant/respondent did not turn up in Court and neither has he filed his response as directed and Mr. Munene for the plaintiff/applicant urged me to grant the orders of injunction as the application was not opposed.

The Notice of Motion remains un-opposed even after the defendant/respondent was given upto to-day to file his response. That means that all the averments by the plaintiffs/applicants are not opposed. I therefore grant the orders sought in the Notice of Motion dated 14/5/2013 till the hearing of this suit. Costs in the cause. The plaintiff/applicant to move and comply with the Civil Procedure Rules and fix the matter for hearing. Orders accordingly.

B.N. OLAO

JUDGE
3/6/2013

Ruling delivered in open Court this 3rd day of June 2013.

Mr. Munene for plaintiff/applicant present.

No appearance for defendant/respondent.

B.N. OLAO

JUDGE
3/6/2013