



REPUBLIC OF KENYA



**KENYA LAW**  
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**Muriithi & 2 others v Kanugu & another (Legal Representatives of the Estate of M'munyua M'muguongo alias Ikunywa Muguongo Deceased) (Environment & Land Case E016 of 2022) [2023] KEELC 54 (KLR) (18 January 2023) (Ruling)**

Neutral citation: [2023] KEELC 54 (KLR)

**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT MERU**

**ENVIRONMENT & LAND CASE E016 OF 2022**

**CK NZILI, J**

**JANUARY 18, 2023**

**IN THE MATTER OF LAND PARCEL NO. LR. NKUENE/NGONYI/273  
AND IN THE MATTER OF CIVIL PROCEDURE RULES 2010**

**AND**

**IN THE MATTER OF LAND REGISTRATION ACT NO. 3 OF 2012**

**AND**

**IN THE MATTER OF THE FAIR ADMINISTRATION ACTION ACT NO. 4 OF 2015**

**BETWEEN**

**MARGARET GAKII MURIITHI ..... 1<sup>ST</sup> APPLICANT**

**JOHN KIMATHI MURIUKI ..... 2<sup>ND</sup> APPLICANT**

**SILAS KARIMBA & HONESTY KAWIRA (SUING AS THE LEGAL  
REPRESENTATIVES OF THE ESTATE OF CONSOLATA KANYUA  
KIMATHI ) ..... 3<sup>RD</sup> APPLICANT**

**AND**

**CERINA KANUGU ..... 1<sup>ST</sup> RESPONDENT**

**GERVASIO KITHINJI THURANIRA ..... 2<sup>ND</sup> RESPONDENT**

**LEGAL REPRESENTATIVES OF THE ESTATE OF M'MUNYUA  
M'MUGUONGO ALIAS IKUNYWA MUGUONGO DECEASED**



## RULING

1. The applicants seek for inhibition orders against the LR No Nkuene Ng'onyi/213 hereinafter the suit land pending the hearing and determination of the originating summons dated October 24, 2022, in which they seek for declaration of ownership of the suit land by virtue of adverse possession.
2. The reasons as contained in the supporting affidavit sworn on October 24, 2022 by Margaret Gakii Murithi are that though in occupation of 1½ acres of the suitland since 2004, a confirmation of grant from the Meru HC Succession Case No 65 of 1993 for the estate of the deceased is due for implementation to the detriment of the applicants.
3. The court has looked at the ruling aforementioned. It is dated June 7, 2022. The originating summons and this application were filed on October 24, 2022 and October 25, 2022 respectively. There is no official search attached to the affidavit for this court to establish the current status of the suit land. A lot may have happened in the four months since the distribution of the estate was done by the probate court. The cause for the delay has not been explained. Therefore, I find no good reason why the court should issue such drastic orders which are in the nature of prohibitory injunction at this juncture without any sufficient material. I find the application lacking merits. The same is dismissed. The originating summons to be set down for hearing on priority basis.

**DATED, SIGNED AND DELIVERED VIA MICROSOFT TEAMS/OPEN COURT**

**THIS 18<sup>TH</sup> DAY OF JANUARY, 2023**

**In presence of:**

**C/A: Kananu**

**Gikundi for applicant**

**Respondent in person**

**HON. C.K. NZILI**

**ELC JUDGE**

