



Case Number:	Environment and Land Case 44 of 2020 (O.S)
Date Delivered:	14 Dec 2020
Case Class:	Civil
Court:	Environment and Land Court at Meru
Case Action:	Ruling
Judge:	Lucy Ngima Mbugua
Citation:	Julius Miriti Itaru v Michael M'Gitoo [2020] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Environment and Land
History Magistrates:	-
County:	Meru
Docket Number:	-
History Docket Number:	-
Case Outcome:	Application allowed
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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**REPUBLIC OF KENYA**

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

**ELC (O.S) CASE NO. 44 OF 2020**

**JULIUS MIRITI ITARU.....APPLICANT**

**VERSUS**

**MICHAEL M'GITOO.....RESPONDENT**

**RULING**

1. Before me is a notice of motion dated 17.9.2020, brought pursuant to provisions of Section 1A, 1B, 3A and 63 ( e) of the Civil Procedure Act and Order 40 Rule 1 and 2 of the Civil Procedure Rules.

2. The applicant is seeking an order of inhibition in respect of land parcel number Nyambene/Kitheo/1273 until the suit is heard and determined. He is also seeking an order of temporary injunction restraining the defendant, his family members, servants and agents from entering , occupying and using the suit parcel until the case is heard and determined.

3. Despite service, no response has been filed by the respondent. I am therefore inclined to allow the application in the following terms.

- 1) The prayer for inhibition is allowed in terms of prayer number 3 in the application.
- 2) The prayer for injunction set out in prayer number 5 is allowed but for a period of ONE YEAR ONLY.
- 3) The costs of this application shall abide the outcome of the main suit.

**DATED, SIGNED AND DELIVERED AT MERU THIS 14<sup>TH</sup> DAY OF DECEMBER, 2020**

**HON. LUCY. N. MBUGUA**

**ELC JUDGE**

**ORDER**

The date of delivery of this ruling was given via a notice dated 7.12.2020. In light of the declaration of measures restricting court operations due to the *COVID-19 pandemic* and following the practice directions issued by his Lordship, the Chief Justice dated 17<sup>th</sup> March, 2020 and published in the Kenya Gazette of 17<sup>th</sup> April 2020 as Gazette Notice no.3137, this ruling has been delivered to the parties by electronic mail. They are deemed to have waived compliance with order 21 rule 1 of the *Civil Procedure Rules* which requires that all judgments and rulings be pronounced in open court.

**HON. LUCY N. MBUGUA**

**ELC JUDGE**



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