



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Ngutiku & another v M'mugambi (Environment and Land Appeal
28 of 2020) [2023] KEELC 17445 (KLR) (17 May 2023) (Ruling)**

Neutral citation: [2023] KEELC 17445 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MERU
ENVIRONMENT AND LAND APPEAL 28 OF 2020**

**CK NZILI, J
MAY 17, 2023**

BETWEEN

TERETHA MUTIMBI NGUTIKU 1ST APPELLANT

GITONGA GIDEON MBURUGU 2ND APPELLANT

AND

**M'TWARUCHIU M'MUGAMBI ALIAS SILAS TUARUCHIU
MUGAMBI RESPONDENT**

RULING

1. The court is asked to lift an inhibition issued on 30.8.2021 and which was further extended on 10.9.2021. The reasons for the application are contained in the supporting affidavit on Martin Gituma sworn on 26.4.2023. It is averred that the purpose for which the inhibition was to subsist has been realized since the appeal was determined on 18.1.2023. The application is not opposed by the respondent despite service and a return of service filed on 3.5.2023.
2. Sections 68-71 of the *Land Registration Act* provides that a court may grant some inhibition orders until an occurrence of an event. In this matter, the inhibition orders were to pend until the appeal was determined. That event has already happened. Therefore, there exists no justification why the inhibition orders should not be discharged or vacated. The upshot is the application is hereby allowed with no order as to costs.

**DATED, SIGNED, AND DELIVERED VIA MICROSOFT TEAMS/OPEN COURT AT MERU ON
THIS 17TH DAY OF MAY 2023**

In presence of

C.A John Paul

Nyenyire for Kamundi for applicant



Miss Mukaburu for respondent

HON. C.K. NZILI

ELC JUDGE

