

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI

SUCC CAUSE NO.455 OF 2014

IN THE MATTER OF THE ESTATE OF LATE WAIRIA KANIARU GITHAIGA (DECEASED)

R U L I N G

On 12th June 2017, the court made an order requiring the applicant to produce evidence to support the averment in the supporting affidavit to the Summons General dated 29th February 2016 seeking the lifting of the restriction on LR/KARAIHU/310 lodged on 11th September 1979, to the effect that even the land registrar Nyeri was not aware of the reasons for the same.

This restriction has been the cause of the delay in the transmission of the estate to the beneficiaries.

On 10th August 2017, Kiminda Advocate swore a further affidavit, and filed a letter from the Land Registrar Nyeri County confirming that the letter alleged to have been written by the District Magistrate to put a restriction on the parcel on 11th September 1979 could not be traced, and the contents therein were not within the knowledge of the Land Registrar. The letter is dated 11th July 2017 and signed by S.M. Mwanzaw'a – Land Registrar No. 337.

With that information I find that there is nothing else other than to allow the application, Summons General dated 29th February 2016 and order that the subsisting restriction on LR TETU/KARAIHU/510 lodged on 11th September 1979 be and is hereby removed.

Costs in the cause.

Teresia M. Matheka

Judge

Dated, delivered and signed this 18/1/18 at Nyeri

In the presence of: -

Court Asst.- Harriet

Ms. Mwangi for the applicant.