



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CIVIL CASE NO. 345 OF 1989

IKAMATI M' MUTIRITHIA.....PLAINTIFF

VERSUS

SAMSON KIMANAA.....DEFENDANT

R U L I N G

This application is dated 3rd November and seeks orders:-

- 1. THAT the Honourable Court be pleased to issue an order for removal of all inhibitions and restriction orders on land parcel subject of this suit land parcel No. NJIA/BURIERURI/1522.***
- 2. THAT the costs of this application be in suit.***

The application is buttressed by the affidavit of SAMSON KIMANAA, the Applicant, and has the following grounds:-

- 1. The Plaintiff's suit was dismissed for want of prosecution by the Courts own motion during the justice at last Initiative.***
- 2. That during the period of this suit, the plaintiff had been granted inhibition orders restricting any dealings in the subject land.***
- 3. That the defendant is an elderly man who wishes to distribute his land to his children while he still has the time to do so.***
- 4. That the District Land Registrar has insisted on a Court order removing all restrictions before he can allow the defendant to subdivide his land.***
- 5. That there is no application to reinstate this suit that is pending.***
- 6. That this application is brought in furtherance of Justice.***

Mr. Mwanzia holding brief for Miss Mutinda told the Court that this suit was dismissed by the Hon. Lady Justice Mugure Thande, Judge, on 09/07/2015. He opined that the application was only meant to implement the decision of this Court.

I agree. The application is allowed. Consequently, it is ordered as follows:-

- 1. An Order is issued for removal of all Inhibition and Restriction Orders concerning Land***

Parcel No. NJIA/BURIERURI/1522.

2. Costs are awarded to the applicant.

It is so ordered.

Delivered in open Court at Meru this 23 day of March, 2016 in the presence of:-

CC: Daniel/Lilian

Mwanzia h/b Miss Mutinda for the Applicant

P. M. NJOROGE

JUDGE