



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU

CIVIL SUIT NO 9 OF 1987

ERASTUS MBAABU & ANOTHER.....PLAINTIFF

VERSUS

M'MBURUGU M'RINKANYA & 9 OTHERSDEFENDANTS

RULING

This application is dated 30th July, 2014 and seeks orders that:-

The caution registered against land parcel No. TIGANIA/TEA SCHEME/38 at the instance of the 1st Plaintiff be removed.

1. Costs of this application be provided for.

The application is supported by the affidavit of Anampiu Amuru ALIAS Mulwa Amuru and has the following grounds:-

1. In view of the order of the dismissal of the Plaintiff's case the caution lodged against the suit land ought to be removed.

2. It is only fair and just that the said caution be removed.

This suit was dismissed by the Court on 20/03/2014.

I do note that the application is intended to implement the ruling of this Court. A Caution can not be allowed to subsist when the suit it had been predicated upon has already been dismissed.

It is noted that this application was served upon the respondent and he was in Court on 15/03/2016 when this matter was handled by this Court.

I allow the Application. I issue the following orders;-

1. The caution registered against land parcel No. Tigania/ Tea Scheme/38 at the instance of the 1st Plaintiff be removed forthwith.

2. Costs of this application are awarded to the 3rd defendant.

It is so ordered.

Delivered in Open Court at Meru this 16th day of March, 2016 in the presence of:-

CC:Daniel/Lilian

Gatari Ringera for 3rd Defendant

Erastus Mbaabu for the Plaintiff

P. M. NJOROGE

JUDGE