



**REPUBLIC OF KENYA**

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

**ELC APPEAL NO. 56 OF 2018**

**JOSEPH RIUNGU M’KIRIKA** (Sued as the administrator of the estate  
of **N’KIRIKA M’NANJAU**) .....**APPELLANT**

**VERSUS**

**GERALD NTARI M’MUTEA** (Sued as the administrator of the estate  
of **M’RITARA M’TUAMBAE**).....**RESPONDENT**

**RULING**

1. By an application dated 28.7.2021 the applicant/respondent seeks the lifting of an inhibition filed over **L.R No. Abothuguchi/Nkamie/828** for reasons that the appeal has been determined. The application is supported by an affidavit of Gerald Ntari M’Mutea.
2. The reasons given are that the order was made on 18.5.1999 pending the hearing of **Meru ELC No. 268 of 1985** subsequent to which the current appeal was filed.
3. The appellant maintains the appeal was determined and a decree issued on 21.4.2021.
4. Consequently he takes the view there exists no good reason to keep the inhibition order yet its life span was spent.
5. The application is opposed through a replying affidavit of Joseph Riungu M’Kirika on 15.12.2021.
6. As a starting point, the applicant has not attached any search to show there exists an inhibition against the subject land as alleged.
7. Secondly, a copy of the inhibition order has not been attached for the court’s perusal.
8. In absence of the same, the court is unable to verify in which court, the case number and for what reason the inhibition was issued in the first instance.
9. Consequently, the application is dismissed for lack of merits. See ***Mwangi Rukwaro & Another –vs- Land Registrar Nyeri [2019] eKLR.***

Orders accordingly.

**DATED, SIGNED AND DELIVERED VIA MICROSOFT TEAMS AT MERU THIS 26<sup>TH</sup> DAY OF JANUARY, 2022**

**IN PRESENCE OF:**

**KIRUAI FOR APPELLANT/RESPONDENT**

**MBUBUYA FOR APPLICANT**

**COURT ASSISTANT - KANANU**

**HON. C.K. NZILI**

**ELC JUDGE**