



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT MERU**

**ELC NO. 129 OF 2012**

**ANTONY REECU KANOTI.....PLAINTIFF**

**VERSUS**

**KATHAKA MWARANIA.....DEFENDANT**

**RULING**

1. By an application dated 27.8.2021 the plaintiff prays for the lifting of prohibitory orders registered against the title deed **No. L.R Kiamuri 'A'/1277**. The application is supported by an affidavit sworn on 27.8.2021 by Antony Reecu Kanoti.
2. The reasons behind the application are that a judgment was entered for Kshs. 316,789 in favour of the plaintiff and to which he lodged a prohibitory order against the title deed to safeguard his interests and that since he has been paid the entire decretal amount the order has been overtaken by events.
3. The applicant has attached a copy of the search certificate which indicates a prohibitory order was lodged on 12.2.2015 out of an order issued by this court until the decretal amount is paid in full.
4. The applicant has through annexure marked **ARK 2** acknowledged receipt of the entire decretal sum.
5. The applicant attended court during the hearing of this application and confirmed he had been fully paid the entire amount. Despite service of the application, the defendant has not opposed the motion.
6. Be that as it may and guided by the reasoning in *Ngugi Miru & Another –vs- George Nganga Kiringa [2020] eKLR*, my finding is it serves no purpose to continue the attachment of the suit property through a prohibition order.
7. The prohibition order is hereby lifted with no order as to costs. The relevant land registrar is hereby directed to remove the encumbrance thereof.

Orders accordingly.

**DATED, SIGNED AND DELIVERED VIA MICROSOFT TEAMS AT MERU THIS 19<sup>TH</sup> DAY OF JANUARY, 2022**

**In presence of:**

Mbubuya for plaintiff/applicant

Respondent in person

Court Assistant - Kananu

**HON. C.K. NZILI**

**ELC JUDGE**