



**IN THE HIGH COURT AT NAIROBI**

**MILIMANI LAW COURTS**

**CONSTITUTIONAL AND HUMAN RIGHTS DIVISION**

**PETITION ELC NO. 75 OF 2014**

**BETWEEN**

**IN THE MATTER OF THE CONSTITUTION ARTICLE 40(2)(a)(b)**

**AND**

**IN THE MATTER OF SECTION 73(1) AND SECTION 75 OF THE LAND REGISTRATION  
ACT 2012.**

**AND**

**IN THE MATTER OF MWITHIGA KIMANI**

**RULING**

The petition before the court does not lie and it is one for striking out as it seeks the removal of a caution lodged on DAGORETTI/KINOO/4259 belonging to the petitioner by one Margaret Nyambura Ngigi who is deceased. The procedure for removal of a caution is originated by writing to the Land Registrar to remove it. This does not raise any constitutional issue. The law has provided for such a process and accordingly this petition is an abuse of the court process.

**DATED and DELIVERED at NAIROBI this 18<sup>th</sup> February 2014**

**D.S. MAJANJA**

**JUDGE**