



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU

ELC NO. 42 OF 2013

MOSES MWENDA MARETE.....PLAINTIFF

VERSUS

FAITH KAWIRA MWENDA.....1ST DEFENDANT

MIRIAM KARWIRWA GUANTAI.....2ND DEFENDANT

CO-PERATIVE BANK OF KENYA LTD.....3RD DEFENDANT

RULING

This application is dated 17th October, 2014 and seeks orders

1. **THAT** this Honourable court be pleased to certify this application as urgent and hear it *ex parte*.
2. **THAT** this Honourable Court be pleased to lift, discharge and/or set aside inhibition orders made on 7th February, 2013 against L. R. NO.S Ntima/Igoki/4102, 5751 and 5958.
3. **THAT** a copy of the order lifting, discharging and/or setting aside the inhibitions under the seal of this Honourable Court be served upon the Land Registrar Meru Central District for compliance.
4. **THAT** the costs of this application be provided for.

It has the following grounds:

1. **THAT** on 7th February, 2013 this Court issued temporary orders of inhibition against LR. NO.s NTIMA/IGOKI/4102, 5751 and 5958 following an application by the plaintiff dated 29th January, 2013, the inhibitions were duly registered at the Meru Lands Office and exist to date.
2. **THAT** on 10th March, 2014 following inter partes hearing of the said application this Court dismissed the plaintiff's application as well as the entire suit with costs to the defendants.
3. **THAT** in the circumstances, there is no justifiable ground for the continued registration of the inhibition on the 1st defendant's parcels of land as the suit has been finalized.
4. **THAT** further the continued registration of the inhibition on the 1st defendant's parcels of land has prejudiced her.

5. **THAT** it is only fair, just and expedient that this application be allowed and the inhibitions against L.R. NO.s NTIMA/IGOKI/4102, 5751 and 5958 be removed.

The application is merely facilitative. It seeks to facilitate the implementation of this court's ruling delivered on 10th March, 2014.

In the circumstances, prayers 2 and 3 of the application are granted.

Costs are awarded to the First Defendant only.

It so ordered.

Delivered in open Court this 28th day of October, 2014 in the presence of:

Cc. Daniel/Lilian

Muthomi h/b Njeru Ngari for 1st defendant/applicant.

P. M. NJOROGE

JUDGE