



**REPUBLIC OF KENYA**

**High Court at Meru**

**Environmental & Land Case 172 of 2012**

**NATHANIEL KITHINJI IKIUGU.....PLAINTIFF**  
**VERSUS**  
**VINCENT MORAVI.....DEFENDANT**

**RULING**

This suit was filed by way of a plaint on 8th November, 2012. In the plaint, the plaintiff prayed for judgment against the defendant for:

- (a) an order of specific performance of the sale agreement dated 15.6.2012 to the effect that L. R. No.NTIMA/IGOKI/6748 be transferred into the Plaintiff's name.
- (b) Costs and interest at Court rates.

Under a Certificate of Urgency in a Notice of Motion dated 8th November, 2012, the plaintiff filed an application that sought the following orders:

1. That this application be certified urgent and the same be heard ex parte in the 1st instance.
2. That pending interpartes hearing of this application or until further orders of the Court, an order of inhibition, be issued, prohibiting any kind of dealings with L. R. No.NTIMA/IGOKI/6748.
3. That pending the hearing and determination of the suit an order of inhibition be issued, prohibiting any kind of dealings with L. R. No.NTIMA/IGOKI/6748.
4. That costs of the application be provided for.

On 12th November, 2012, the Hon. Justice J. A. Makau ordered:

1. THAT Status Quo be maintained pending hearing before Environment and Land Court. Matter to be mentioned on 27.11.2012 before Environment and Land Court.

The matter was mentioned before me on 27th November 2012 and on 19th February, 2013.

On 19th February, 2012, Mr. Rimita, holding brief for Mwirigi Kaburu for the plaintiff, informed the Court that the defendant despite service had never entered appearance and had not filed his defence. Nevertheless, he informed the Court that the plaintiff wished to withdraw both the suit and his application dated 8th November, 2012. He also wanted the inhibition registered against L. R. No.NTIMA/IGOKI/6748 lifted.

I have considered this oral application carefully and rule as follows:

1. **The plaintiff's application dated 8th November, 2012 is hereby marked as withdrawn and as a consequence any interim orders granted in the application are automatically set aside.**
2. **As a result of the withdrawal of the plaintiff's application dated 8th November, 2012, the order of inhibition registered against L. R. No.NTIMA/IGOKI/6748 should be lifted forthwith.**
3. **In accordance with Order 25 of the Civil, Procedure rules, the Plaintiff should within 30 days serve the defendant in writing a Notice of his wholly discontinuance with the suit herein. That notice will be deemed to have withdrawn the case.**
4. **I make no award as to costs.**

Dated at Meru this 19th day of February, 2013.

**P. M. NJOROGE  
JUDGE**

Delivered in open court his 19th day, of February, 2013 in the presence of:

Rimita h/b Mwirigi Kaburu for plaintiff  
Cc. Mwonjaru

**P. M. NJOROGE  
JUDGE**