

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL DIVISION

CIVIL SUIT NO. 1327 OF 1989

JOSEPH GITHINJI NDERUPLAINTIFFS

VERSUS

ELIUD KIRATU.....DEFENDANT

RULING

The applicant seeks to have the caveat registered as LR 41431/2 against the defendant's title removed. The applicant has filed this application under section 2 & 73(1) of the Land Registration Act No 3 of 2012 sections 3 and 3A of the Civil Procedure Act. She has filed a supporting affidavit giving a background to the orders she seeks. The contents of her affidavit are clear. The court order of 1/12/97 is annexed showing that the plaintiff suit was dismissed and an injunctive order given restraining the plaintiffs from evicting the defendants. The applicant states that upon perusing the register there is a caveat force.

With the court order not challenged or appealed against the applicant is entitled the orders sought. The application was not opposed by the plaintiff/respondent despite being served. I therefore find merit in the application dated 6/12/12. I grant prayer No. 3 that the caveat registered as LR 41431/2 against the defendants title be removed. Costs be in the cause.

Orders accordingly.

Dated, signed and delivered this 28th Day of November 2013.

R. E OUGO

JUDGE

In the presence of:-

.....Plaintiffs

.....Defendants

.....Court Clerk