

IN REPUBLIC OF KENYA

IN THE HIGH COURT

AT MOMBASA

CIVIL SUIT NO.62 OF 2007

ALFRED NGUTUKU WAMALWA.....PLAINTIFF

~VRS~

JUSTUS MBOYA OGONYO.....1ST DEFENDANT

By the motion dated 31/1/2012 the 1st Defendant seeks that the court does order the removal of the restriction registered on the land parcel number East Bukusu/South Nalondo/4270 on 15/1/2009. The title is registered in the name of the 1st Defendant and the restriction was placed thereon at the instance of the Plaintiff. The 1st Defendant claims that the Plaintiff has no interest in the parcel and that no notice of the entry of the restriction was given to him.

I consider that the 1st Defendant has no counterclaim that would form the basis of the present application.

Dated, signed and delivered at Bungoma this 8th day of May, 2012.

A. O. MUCHELULE