



IN THE MATTER OF THE ESTATE OF M'IBUATHU M'ILULA...DECEASED

JOEL MITHIKA M'IBUATHU.....PETITIONER

VERSUS

MARGARET CIOMAU M'IBUATHU.....OBJECTOR

STEPHEN MUGAMBIAPPELLANT

RULING

This is an ex-parte chamber summons which has been brought under section 130(d) of the Registered Land Act Cap 300 Laws of Kenya. It seeks one prayer which is that the inhibition placed on Land Parcels **Nos. BUURI-E- BUURI/976, 216 and 2497** on the 25th September 2003 by court order dated September 2003 be lifted.

There are two grounds for this application cited on the face of the application

- (1) The matter is finalized vide this court's ruling dated 31st October 2007.
- (2) That now it is apt for the inhibition herein to be lifted.

The application is supported by the affidavit sworn by the petitioner dated 13th April 2012. Basically the affidavit states the same grounds as on the face of the application for the inhibition to be removed.

I have considered the application and have also considered the record of the proceedings. I note from the record that on the 17th September 2003, Hon Kasango J issued an inhibition order based on an application that was dated 3rd, September 2003, prayer 3 thereof. That is the order that the petitioner wishes to have lifted.

I have considered that this matter is finalized and that the parties have settled on the mode of distribution on the estate of the deceased. The inhibition order is therefore no longer required. In the circumstances I allow this application and lift the inhibition over the land parcel **NO. BUURI-E- BUURI/976, 216 and 2497** forthwith. There will be no orders as to costs.

DATED SIGNED AND DELIVERED THIS 7TH DAY OF JUNE, 2012.

LESIT, J
JUDGE.

