



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

SUCC. CAUSE NO. 326 OF 1996

IN THE MATTER OF THE ESTATE OF PHINEAS MWENDWA KIAMBI (DECEASED)

AGNES M.

KIAMBI.....PETITIONER

VERSUS

DAVIES MBAABU

KAJOGUOBJECTOR

RULING

The grant in this cause was issued and was confirmed on 22nd July 1998 to the wife of the deceased namely, Agnes Kiambi. On 6th October 2006, an application was filed by David Mbaabu Kajogu (objector) seeking an order for revocation of the grant for inhibition to issue in respect of parcel *Nyaki/Mulathankari/562*. The application was before Lenaola J. on 17th October 2006 *ex parte* when an order was issued to the following effect:-

ORDER

Upon perusing the application dated 6th September 2006 and upon hearing the counsel for the applicant ex-parte it is hereby ordered:-

- 1. That an inhibition do issue on parcel No. Nyaki/Mulathankari/562.***
- 2. That the application dated 6th September 2006 be heard inter parties on 16/11/2006.***
- 3. That the respondent be served with the application dated 6/10/2006.***

The matter was not listed on 16th November 2006. It was next listed before court on 24th September 2009. The objector being absent from court that day, the following order was made:-

“The application dated 6th October 2006 having been filed by the objector and failed (sic) to prosecute it and in the absence of the objector advocate despite valid service the said application is hereby dismissed with costs to the petitioner.”

The petitioner has now filed summons dated 6th October 2009 seeking for inhibition registered on parcel Nyaki/Mulathankari/562 be lifted. She deponed that the inhibition registered after the *ex parte* order was issued was still on the register and yet the objector’s application had been dismissed. Having set out the background of this matter, I find that there indeed is no valid reason why the inhibition should remain in force. I grant the following orders:-

- 1. The inhibition ordered by this court to be registered on parcel number Nyaki/Mulathankari/562 on 17th October 2006 is hereby lifted.***
- 2. The objector shall pay the petitioner’s costs of the Chamber Summons dated 6th October 2009.***

Dated, signed and delivered at Meru this 18th day of May 2011.

**MARY KASANGO
JUDGE**