



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI (NAIROBI LAW COURTS)**

Civil Case 6335 of 1991

NDEGWA NDIANGUI.....PLAINTIFF

Versus

JOEL WAMBUGU GATAMA.....1ST DEFENDANT

ELIZABETH MUKUHI GATAMA.....2ND DEFENDANT

RULING

APPLICATION TO VACATE INJUNCTION

ORDERS AFTER JUDGMENT 11 JUNE 2008

I: Background

1. The main suit herein is finalized. The original plaintiff/ decree holder/applicant sued for Specific Performance on 29th November, 1991 requesting this court to compel the defendant to complete a sale transaction of property house LR Nairobi/ Block 32/889.
2. Judgement was entered in favour of the plaintiff after trial (the defendant failed to attend court) on 8th June, 2000.
3. On 29th November, 1991 when the suit was filed, the original plaintiff/ declare holder/ applicant had requested and applied for orders of injunction. This was granted the same day by Dugdale Judge.
4. The defendant, after trial appealed to the court of appeal but due to procedural error on the part of their advocate the defendant appeal was rejected.
5. The applicant wishes to register the title against his name. He is unable to do so as his own orders for injunction to restrain the defendant from selling the said land is still registered against the title.

11: Application 11th June, 2008

6. By an application 11th June, 2008 duly served upon the advocate for original defendant /decree/debtor/ respondent, the said applicant prays that this court do lift the order of injunction lodged against the title to enable the said transfer orders to be made in his favour.

II. Finding.

7. I accordingly grant the orders as prayed on the grounds that this is a finalized case, there is nothing left. That the said injunction be accordingly lifted in order to permit the title to pass to the plaintiff, decree holder.

8. I would costs to the applicant decree holder

DATED THIS 24TH DAY OF SEPTEMBER 2008 AT NAIROBI.

M.A. ANG'AWA

JUDGE

D.N. Wakahu instructed by Gathenji & Co. Advocates for the plaintiff- present

Ogessa A instructed by Ogessa & Co. Advocates for the defendant - absent