



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MISCELLANEOUS APPLICATION NO. (O.S.) 1109 OF 2000**

**IN THE MATTER OF A CAVEAT LODGED BY TRIKUL INVESTMENTS LTD.**

**AND**

**IN THE MATTER OF THE REGISTRATION OF TITLES ACT (CAP. 281) LAWS OF  
KENYA**

**BETWEEN**

**TRIKUL INVESTMENTS  
LIMITED.....PLAINTIFF/APPLICANT**

**AND**

**ELIUD TIMOTY  
MWAMUNGA.....DEFENDANT/RESPONDENT**

**RULING**

In this application the applicant is asking for an Order to extend the Caveat beyond the 45 days period specified in the Notice of the Registrar of Title dated 8th September, 2000. The application is supported by the affidavit of Singh Mangat in which he gives the facts leading to the present application. From the annexures to this affidavit there remains unpaid the sum of Shs.650,000 and a further sum of Shs.13,120 by the Defendant as a refund of the deposit which the applicant had paid.

The letter dated 4.9.2000 by the Defendant to his lawyer. M/s GBM Kariuki & Company Advocates confirms this position. Since this letter was written there has been no explanation given by either the Defendants lawyers or the Defendant himself as to why the money has not been paid. There is no other security held by the plaintiff against this money. The Plaintiff is therefore justified in holding on the Caveat until the money is paid. The application is therefore allowed as prayed for in prayer one of the Originating Summons filed on 16.10.2000. The applicant will also be entitled to the costs of this application.

**Dated and delivered this 19th day of October, 2000.**

**KASANGA MULWA**

**JUDGE**