



**M’Twangure v Gatwankure (Environment & Land Case
45 of 2013) [2022] KEELC 2253 (KLR) (6 July 2022) (Ruling)**

Neutral citation: [2022] KEELC 2253 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MERU
ENVIRONMENT & LAND CASE 45 OF 2013**

CK YANO, J

JULY 6, 2022

BETWEEN

MUTWIRI M’TWANGURE PLAINTIFF

AND

KIRIGIA GATWANKURE DEFENDANT

RULING

1. The application for consideration is the Notice of Motion by the 2nd defendant/applicant seeking for the discharge and/or setting aside the orders of inhibition and injunction given by the court on 14th October, 2014. The application is supported by the affidavit of Joseph Kinyuru Thurania sworn on 10th May 2022 and is based on the grounds that the suit was dismissed on 17th April 2018 and therefore there is no longer basis for the existence of the orders of inhibition and injunction.
2. No response was filed in respect of the application even though the respondent was duly served through his advocate on record M/s Otieno & Co Advocates.
3. The orders of inhibition and injunction were granted by the court on 14th October, 2014 pending hearing and determination.
4. The record shows that on 17th April 2018, the matter was listed before Mbugua J for dismissal under Order 17 Rule 2 of the *Civil Procedure Rules*. The court ordered as follows;

“Notice having been issued to the parties herein under order 17 rule 2 of the civil procedure Rules and in the absence of any cause shown, this matter is hereby dismissed under order 17 rule 2 of the said rules”
5. The suit having been dismissed on 17th April 2018, I do agree with the applicant that there is no basis for the said orders of inhibition and injunction to remain in force. In the result, I find that the 2nd



defendant's application dated 9th May 2022 is merited and the same is hereby allowed but with no order as to costs.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 6TH DAY OF JULY 2022.

In the presence of

C.A Mwenda

Ms Gachohi holding brief for Mutuma for plaintiff

No appearance for defendants.

JUSTICE C.K YANO

ELC JUDGE

