

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC APPEAL NO. 6 OF 2017 (FORMELY MERU HCA NO. 21 OF 2001)

VERONICA MUKOMUNENE.....APPELLANT

VERSUS

SAMSON MURIIRA M'INOTIRESPONDENT

RULING

1. In the application dated 22.6.2015, applicant/appellant is seeking for orders that the Land Registrar Meru be ordered to lift the prohibition placed on parcel no. Nyaki/Kithoka/2587.
2. The grounds in support of this application are that the appeal is finalized and nothing is pending in court to warrant continuous prohibition of the applicant's land. Further, applicant avers that she intends to subdivide the land and share it amongst the children.
3. I have seen the search certificate for the parcel no. Nyaki/Kithoka/2587. It shows that a prohibitory order was placed on 16.9.2011, pursuant to the court order of 15.9.2011 in the high court of Meru Appeal case. The case number mentioned is not clear but it appears to be this case (HCCA No. 21/2001 – Meru). The court's records do not contain any records of 15.9.2011. From the record of 17.3.2011, the next coram is for 20.7.2015. This court is hence not able to ascertain the circumstances under which the prohibitory orders were placed on the land.
4. Nevertheless, I note that the suit was finalized way back on 17.5.2007 when Judgment was delivered. I also note that no replying affidavit was ever filed in opposition to this application of 2015.
5. In the circumstances, I allow the application dated 22.6.2015 but with no orders as to costs.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 3RD OCTOBER, 2018 IN THE PRESENCE OF:-

C/A: Galgalo/Faith

Kimathi for plaintiff/Applicant

Ashaba holding brief for Kaumbi for respondent

HON. LUCY. N. MBUGUA

ELC JUDGE