



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT & LAND COURT**

**AT CHUKA**

**E.L.C. CASE NO. 19 OF 2019 (O.S.)**

**FORMERLY MERU E.L.C CASE NO. 83 OF 2016 (O.S)**

KANGA MWIRABUA ..... 1<sup>ST</sup> PLAINTIFF  
MBIUKI MWIRABUA.....2<sup>ND</sup> PLAINTIFF  
CIAMBERE KANGANGI.....3<sup>RD</sup> PLAINTIFF  
CIAMUI KANGANGI.....4<sup>TH</sup> PLAINTIFF  
JOHN MUTEGI KANGANGI.....5<sup>TH</sup> PLAINTIFF  
KABURU KANGANGI.....6<sup>TH</sup> PLAINTIFF  
KAARI KANGANGI.....7<sup>TH</sup> PLAINTIFF  
CIAMBAKA KANGANGI.....8<sup>TH</sup> PLAINTIFF  
NYAGA MPUNGU.....9<sup>TH</sup> PLAINTIFF  
KAGENDO CIAMBAKA.....10<sup>TH</sup> PLAINTIFF  
KITHINJI KABURU.....11<sup>TH</sup> PLAINTIFF  
MUTHONI MUTEGI.....12<sup>TH</sup> PLAINTIFF  
BAINI NKARI.....13<sup>TH</sup> PLAINTIFF

**VERSUS**

NDEREBA NAICHU.....RESPONDENT

**RULING**

1. This application seeks the following orders:

**1.THAT** the Honorable Court do certify this application as urgent.

**2.THAT** the Honorable Court be pleased to lift the inhibition registered against Land Parcel No. KARINGANI/MARIANI/395 on 18<sup>th</sup> October 2016 and any other encumbrance registered against the said land parcel.

2. The application has the following grounds:

(i)**That** the orders of inhibition issued on 10<sup>th</sup> October 2016 and registered on 18<sup>th</sup> October 2016 were to subsist until the suit was finalized.

(ii)**That** the judgment delivered on 16<sup>th</sup> March 2021 by this Honorable Court finalized the matter.

(iii)**That** it is therefore in the interests of justice that the encumbrance be lifted to enable the applicant enjoy his proprietary rights unhindered.

3. The application is supported by the affidavit of Ndereba Naichu, the applicant, sworn on **5<sup>th</sup> May, 2021** which states:

I **NDEREBA NAICHU** of P.O. Box Chuka, Tharaka Nithi County within the Republic of Kenya do hereby **MAKE OATH** and state as follows:

1. **THAT** I am the Applicant herein thereby competent to make and swear this affidavit.

2. **THAT** on 10<sup>th</sup> October 2016, the plaintiffs/respondents were granted orders of inhibition stopping any dealings with land parcel no. Karingani/Mariani/395 until this suit was finalized. These orders were registered on 18<sup>th</sup> October 2016.

3. **THAT** the present suit was finalized by the judgment of this Honorable Court on 16<sup>th</sup> March 2021.

4. **THAT** the court however did not make an order to lift the inhibition registered against the suit land yet the same lapsed upon determination of the suit.

5. **THAT** I therefore pray that the inhibition registered on 18<sup>th</sup> October 2016 be lifted.

6. **THAT** what is stated above is true and to the best of my knowledge information and belief save where otherwise stated.

4. Advocate Muriithi told the court that the applicant seeks removal of the apposite inhibition in terms of prayer 2 in the application because the suit had been heard and determined with judgment having been delivered on **16<sup>th</sup> March, 2021**.

5. In the circumstances,

a) The matter is certified urgent and has been handled today in court.

b) Prayer 2 is granted.

c) Costs shall be in the cause.

Delivered in open Court at Chuka this **10<sup>th</sup> day of May, 2021** in the presence of:

CA: Ndegwa

Mark Muriithi h/b Kaumbi for the Applicant

**P. M. NJOROGÉ**

**JUDGE**