



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

CHUKA ELC SUIT NO. 1 OF 2019(OS)

ZIPPORAH KARIGU ALIAS KARIGU M'MUGAMBI NGITI.....1ST PLAINTIFF/ RESPONDENT

JOHN MWATHI M'MUGAMBI.....2ND PLAINTIFF/ RESPONDENT

JEREMIAH MURAUKO MUGAMBI..... 3RD PLAINTIFF/ RESPONDENT

BEATRICE GACUNKU.....4TH PLAINTIFF/ RESPONDENT

DAVID MUTUGI KARIGU.....5TH PLAINTIFF/ RESPONDENT

VERSUS

SABERA GAKUNDI MWITHI.....1ST DEFENDANT/ APPLICANT

BEATRICE KATHAMBI.....2ND DEFENDANT/ APPLICANT

CHARITY KAINDI.....3RD DEFENDANT/ APPLICANT

VIRGINIA MUTHON..... 4TH DEFENDANT/ APPLICANT

JOHN KIMATH..... 5TH DEFENDANT/ APPLICANT

ALICE KARIMI.....6TH DEFENDANT/ APPLICANT

JAMES MUTUGI MWITHI.....7TH DEFENDANT/ APPLICANT

GERALD MUGAMBI.....8TH DEFENDANT/ APPLICANT

JAMES MWENDA MURITHI ALIAS JOHN KIMATHI.....9TH DEFENDANT/ APPLICANT

STANLEY MURITHI NYAMU.....10TH DEFENDANT/ APPLICANT

MARY WAMBUI MWOBIL.....11TH DEFENDANT/ APPLICANT

RULING

1. This application is dated **30.6.2021** and seeks the following orders:

- a. That this application be certified urgent and service on the plaintiffs be dispensed with.
- b. That the inhibition orders registered against the parcels of land known as:-
 - i. SOUTH THARAKA/ TUNYAI/ "A"/ 4586

ii. SOUTH THARAKA / TUNYAI/ "A"/ 4587

iii. SOUTH THARAKA/ TUNYAI/ "A"/ 4588

iv. SOUTH THARAKA/TUNYAI/ "A"/ 4589

v. SOUTH THARAKA/ TUNYAI/ "A" 4590

vi. SOUTH THARAKA/ TUNYAI/ "A" 4591

vii. SOUTH THARAKA/ TUNYAI/ "A" 4592 being the resultant sub-divisions of SOUTH THARAKA/ TINYAI/ "A"/ 390 be cancelled.

c. The costs of this application be paid by the plaintiffs.

2. The application is supported by the affidavit of advocate Stephen Walter Kaai sworn on **30th June, 2021** and has the following grounds:

1. That the orders of inhibition registered against the titles of the aforesaid parcels of land were issued on the application of the plaintiffs in the suit ELC NO 20 of 2019(OS).

2. The inhibition orders were issued by this Honourable Court to preserve the status quo of these parcels of land pending the hearing and determination of the said suit No ELC 20 of 2019 (OS).

3. That suit was consolidated with ELC No 1 of 2019 (OS) and the same was heard and determined on 25th May, 2021 when it was dismissed.

4. That since the dismissal of the plaintiffs suit was in favour of the Defendants there is nothing left to preserve and the inhibition orders registered against those titles should be cancelled.

3. When this application was heard on 27.7.2021, advocate Kaai told the court that the impugned inhibitions were issued by this court pending hearing and determination of ELC 20 of 2019. As the case has already been determined, he asked that the inhibitions be removed.

4. I agree. The case has been heard and determined. The inhibitions no longer serve any useful purpose.

5. In the circumstances, I issue the following orders:

a. Prayer a has been granted.

b. Prayer b is hereby granted.

c. Costs for this application shall follow the event and prayer c for costs is granted in favour of the plaintiffs in ELC 1 of 2019 against the Plaintiffs in ELC 20 of 2019.

DELIVERED IN OPEN COURT AT CHUKA THIS 27TH DAY OF JULY, 2021 IN THE PRESENCE OF:

CA: Ndegwa

Kaai Mugambi present for the Applicants

P. M. NJOROGI,

JUDGE