



**M'Mbogori v CMC Motors Group (Civil Case 16 of 2001)
[2024] KEHC 329 (KLR) (22 January 2024) (Ruling)**

Neutral citation: [2024] KEHC 329 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CIVIL CASE 16 OF 2001
TW CHERERE, J
JANUARY 22, 2024**

BETWEEN

M'IBIRI M'MBOGORI PLAINTIFF

AND

CMC MOTORS GROUP DEFENDANT

RULING

1. By a ruling dated 06th March, 2007, Lenaola J (as he then was) allowed the Applicant to settled the sum of Kshs 265,022/- pus interest of 16% and costs of the suit assessed at Kshs 50,000/- in monthly installments of Kshs 50,000/-.
2. By notice of motion dated 29th June, 2023, supported by Applicant's affidavit sworn on even date, Applicant prays for lifting of the prohibitory orders placed on his LR Ntima/Ntakira/891 on the ground that the decretal sum due to the Respondent has been fully settled.
3. Although the application is not opposed, it is trite that whoever alleges must prove. Applicant in this case has not demonstrated that he has fully settled the decretal sum for the prohibitory orders were placed on his title to LR Ntima/Ntakira/891.
4. Consequently, I am not persuaded to grant the orders sought and the application dated 29th June, 2023 is thus disallowed. Applicant shall meet his own costs of the application.

DATED AT MERU THIS 22ND DAY OF JANUARY 2024

WAMAE. T. W. CHERERE

JUDGE

Appearances

Court Assistant - Kinoti/Munene



For Applicant - N/A for L. Kimathi Kiara & Co. Advocates

For Respondent - N/A for A.G.Riungu & Co. Advocates

