



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT MERU**

**ELC CASE NO. 146 OF 2011**

**ELIZABETH KARIMI CHABARI ..... PLAINTIFF**

**VERSUS**

**STELLA CYPRIAN MWENDA ..... DEFENDANT**

**RULING**

1. By an application dated **18.11.2019** the applicant seeks lifting of an inhibition order regarding **Parcel No. L.R Igoji/Kianjogu/66** issued in **Meru CMCC No. 168 of 1997**.
2. The ground upon which the application is made is that the applicant later withdrew the CMCC suit and subsequently filed this suit which was determined on **14.6.2018** in her favour.
3. The application is supported by an affidavit sworn on **20.11.2019** by **Elizabeth Karimi Chabari** in which she has attached a copy of the recent green card, the order, judgment and decree as annexures **EKC 1 (a) 1(b)** and **EKC 2 (a) & 2 (b)** respectively.
4. **Section 78 (2)** of the **Land Registration Act** grants a court powers to order removal, variation or issue other orders if it deems fit upon an application by a proprietor affected by a restriction and with notice to the Land Registrar. This is a discretion which must be exercised judiciously.
5. There is no dispute, inhibition orders were given in **CMCC No. 167 of 1998** as per the attached copy of the green card. The court has been told the aforesaid suit was withdrawn and the instant one filed whose judgment was in favour of the applicant. In other words it is the applicant who sought, obtained and registered the inhibition order. The said order was to subsist till the suit was disposed of one way or the other.
6. Though the court has not been shown the notice of withdrawal of the previous suit, given a copy of the judgment attached in this file and there being no opposition to the orders sought from the defendant, I find the application with merit. The same is allowed with no order as to costs.

**DATED, SIGNED AND DELIVERED VIA MICROSOFT TEAMS AT MERU THIS 17<sup>TH</sup> DAY OF NOVEMBER, 2021**

**In presence of:**

Mis Mbogo for plaintiff/applicant

Odari for defendant/respondent

Court Assistant - Kananu

**HON. C.K. NZILI**

**ELC**

**JUDGE**