



REPUBLIC OF KENYA



**KENYA LAW**  
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**Mugo v Kang'ethe (Civil Appeal E016 of 2022)  
[2024] KEHC 14111 (KLR) (13 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14111 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT EMBU  
CIVIL APPEAL E016 OF 2022  
LM NJUGUNA, J  
NOVEMBER 13, 2024**

**BETWEEN**

**DORCAS NJOKI MUGO ..... APPLICANT**

**AND**

**CRISPIN KIENYU KANG'ETHE ..... RESPONDENT**

**RULING**

1. For determination is chamber summons dated 07<sup>th</sup> July 2023 through which the applicant is seeking the following orders:
  - a. That the honourable court be pleased to lift the cautions and or restrictions placed on parcel number Kaagari/Weru/1168; and
  - b. That costs of this application be provided for.
2. The application is premised on the grounds on its face and facts deposed in the supporting affidavit thereof.
3. It is the applicant's case that while the appeal herein was pending determination, the respondent and his 3 relatives proceeded to encumber the suit land claiming purchaser's interest. That following this court's judgment delivered on 03<sup>rd</sup> July 2023, the appeal was allowed, setting aside the revocation orders of the trial court. That it is important that the orders sought be granted to enable implementation of the grant and for the applicant to enjoy the fruits of the said judgment.
4. The respondent, despite being served with the application, did not file a response.
5. The parties did not file any written submissions in the case.
6. The issue for determination is whether the application has merit.



7. Having determined that this court bears jurisdiction to determine the application herein through a ruling delivered on 08<sup>th</sup> May 2024, this court has considered the application which is unopposed. It is premised on the findings of the court setting aside revocation orders by the trial court. Therefore, the orders sought herein will enable distribution of the estate.
8. In the circumstances, I find that the application has merit and it is hereby allowed with orders thus:
  - a. The Land Registrar Embu is hereby ordered to lift the cautions and/or restrictions placed on land parcel number Kaagari/Weru/1168 by Crispin Kienyu Kang'ethe, Benson Gichuhi Kang'ethe, Susan Wambui Kang'ethe and Esther Muthoni Kang'ethe claiming purchaser's interests;
  - b. There shall be no order as to costs.
9. It is so ordered.

**DELIVERED, DATED AND SIGNED AT EMBU THIS 13<sup>TH</sup> DAY OF NOVEMBER, 2024.**

**L. NJUGUNA**

**JUDGE**

..... for the Applicant

..... for the Respondent

