



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT MERU

ELC MISC. 74 OF 2019

ANDREW MUNGATIA ANJURI & 2 OTHERS.....APPLICANTS

VERSUS

KIRIMA GIDEON RINGERA.....RESPONDENT

RULING

1. Vide the application dated 19.11.2019, the applicant seeks the following orders:

(i) “Spent.

(ii) *That this honourable court be pleased to order that the inhibition order issued and registered against the parcel of land known as Title Number Nyaki/Giaki/865 be lifted.*

(iii) *That the order lifting the inhibition be served upon the district land registrar Meru Central District for compliance.*

(iv) *That costs of this application be in the cause.*

2. The application is premised on the grounds set out as follows:

(i) *That sometime in the 1989 the applicants herein filed Meru High Court civil case No. 247 of 1989 seeking for orders inter alia transfer of parcel of land No. Nyaki/Giaki/865 a 1/3 share each of the applicant and compelling the respondent to sign relevant documents to transfer the suit land to the applicants.*

(ii) *That inhibition orders were issued restricting any dealings thereon and the same was registered against the suit land. The 1st applicant had also lodged a caution thereon.*

(iii) *That the court file in Meru High court civil case no. 247 of 1989 got lost at the court’s registry before the matter was concluded and the same could not be traced hence necessitating filing of a fresh suit, the same being Meru ELC No. 113 of 2013 (OS).*

(iv) *That on 25th April, 2018, the court delivered its judgment in Meru ELC No. 311 of 2013 (OS) in favour of the applicants to be registered as the owners of parcel of land No. Nyaki/Giaki/865 by way of adverse possession.*

(v) *That the orders of inhibition issued in Meru High court civil case No. 247 of 1989 and registered against the suit land are still in force and the judgment delivered on 25th April, 2018 cannot be effected and therefore the applicants seek to have the order of inhibition lifted.*

(vi) *That its only fair and just that this application be allowed to lift the order of inhibition herein to effectuate the judgment herein”.*

3. The 1st applicant Andrew Mungatia Anjuri has also filed a supporting affidavit where he has given a step by step account of how the inhibition was lodged in respect of the suit parcel No. Nyaki/Giaki/865.

4. The application was served but no response has so far been filed, hence the same is unopposed.

5. I find that the application is merited. The same is allowed as drawn.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 26TH FEBRUARY, 2020 IN THE PRESENCE OF:-

C/A: Kananu

Mr. Muriithi holding brief for Ms. Muriithi for applicant

HON. LUCY. N. MBUGUA

ELC JUDGE