



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

MERU MISCELLANEOUS APPLICATION CASE NO. 07 OF 2020

ABDULLA MOHAMMED ABDULLA.....APPLICANT

VERSUS

ALI MOHAMED ABDULLA.....RESPONDENT

RULING

1. This application is dated 5th **March, 2020** and was brought to court under Certificate of urgency. It seeks orders:-

1. That the application be certified urgent and in view of that urgency, the same be heard on priority, expeditiously and ex parte in the first instance.
2. That the honourable court be pleased to order/direct the respondent to forthwith remove the caution lodged on the suit plot No. Meru Municipality Block ¼, failure to which and in the alternative, the honourable court do order and direct the Land Registrar Meru Deregisters/lifts and or removes the caution lodged by the respondent on the suit plot No. Meru Municipality Block ¼.
3. That costs of the application be paid to the applicant by the respondent.

2. The application is supported by the applicant's affidavit and has the following grounds:

- i) The suit plot No. Meru Municipality Block ¼ was the subject of litigation before this honourable court in E & L Case No. 12 of 2012 which was determined on 18th July, 2013.
- ii) The respondent has irregularly and after determination and execution of the decree in Meru High Court E & L Case o. 12 of 2012 proceeded to lodge a caution on the suit plot No. Meru Municipality Block ¼.
- iii) The caution is unnecessary hindrance to the applicant's use and development of the suit plot NO. Meru Municipality Block ¼.
- iv) The caution is irregular and a scheme to render the honorable court's judgment in E & L of 2012 useless.
- v) The respondent lodged the caution in bad faith.

vi) It is in the interest of justice that the orders sought be granted.

3. At the ex parte stage the applicant was not in court.

4. It is directed that the application be heard by the **Honourable Lady Justice Lucy Mbugua, ELC Judge, at Meru** on **24th March, 2020**.

Delivered in open Court at Chuka this **11th day of March, 2020** in the presence of:

CA: Ndegwa

Parties not in court

P. M. NJOROGE,

JUDGE.