



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**CIVIL SUIT NO. 93 OF 2012**

MUNICIPAL COUNCIL OF MERU.....PLAINTIFF/APPLICANT

VERSUS

M'IKIAO M'RINGO.....1ST DEFENDANT/RESPONDENT

NATHANIEL KITHINJI .....2ND DEFENDANT/RESPONDENT

THE MERU CENTRAL LAND REGISTRAR.....3 RD DEFENDANT/RESPONDENT

THE ATTORNEY GENERAL.....4TH DEFENDANT/RESPONDENT

**RULING**

This application is dated 1st March, 2016 and seeks orders:-

- (1) ***THAT this application be certified very urgent and be heard ex-parte.***
- (2) ***THAT this Honourable Court be pleased to set aside/lift and discharge orders of prohibition and injunction prohibiting any dealing or altering of the register in respect of Land Parcel No. NYAKI/MULATHANKARI/829 issued by this Honourable Court on 18/5/2012.***
- (3) ***THAT costs incidental to this application be borne by the Plaintiff.***

The application is supported by the affidavit of NATHANIEL KITHINJI, the 2nd Defendant and has the following grounds:-

- i. ***THAT the Plaintiff's suit was dismissed for want of prosecution on 22nd October, 2015.***
- ii. ***THAT the Plaintiff has not lodged any appeal or challenged the order for dismissal.***
- iii. ***THAT it will be in the best interest of justice that the orders be set aside and discharged as they have been spent on dismissal of this suit.***
- iv. ***THAT unless the orders sought are granted the applicant will suffer prejudice.***

This suit was dismissed on 22/10/2015. This application seeks to implement the import of this Court's Ruling. The application is allowed in terms of prayer 2. It is ordered as follows:-

**1. Any Orders of Inhibition, prohibition or Injunction prohibiting any dealings in or alterations of the Register in respect of Land Parcel No. NYAKI/MULATHANKARI/829 issued by this Court on 18/05/2012 are discharged and the Land Registrar, in charge of the Register for parcel No. NYAKI/MULATHANKARI/ 829 is ordered to implement this order forthwith.**

**2. Costs are awarded to the Defendants.**

**3. It is so ordered.**

***Delivered in Open Court at Meru this 8th day of March, 2016 in the presence of:-***

CC: Daniel/Lilian

Kitheka h/b Gichunge for Applicants

**P.M. NJOROGE**

**JUDGE**