



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CIVIL CASE NO 106 OF 2000

PHARES NYAGA NYIRIIAPLAINTIFF

VERSUS

MBIUKI BUNDI NTIRO.....1ST DEFENDANT

ELIZAPHAN NYAGA M'BUNDI.....2ND DEFENDANT

PETKAY SWEN MIRITI M'NKIRIA.....3RD DEFENDANT

RULING

This Ruling is dated 9th March, 2015 and seeks the following orders:-

- 1. THAT the Honourable Court be pleased to certify this matter as urgent and be heard on priority basis.**
- 2. THAT this Honourable Court be pleased to issue an Order for the removal of the order of inhibition and the caution registered against LR.NO. KARINGANI MUGIRIRWA/962 to give effect to the decree and judgement of this Honourable Court dated 9th July,2014 and 2nd July,2010 respectively.**
- 3. THAT this Honourable Court be pleased to order production of the original title deed before the Land Registrar Tharaka Nithi be dispensed with.**
- 4. THAT upon issuance of the said orders, the same be served upon the Land Registrar, Tharaka-Nithi for registration on the appropriate register and compliance.**

It is supported by the affidavit of Phares Nyaga Nyiriia and has the following grounds:-

- 1. THAT vide CMCC NO. 84 of 2000 Orders of inhibition were issued inhibiting all dealings on L.R. No. KARINGANI/MUGIRIRWA/962 pending further orders from this Honourable Court.**
- 2. THAT the Honourable Court vide a Judgement dated 2nd July, 2010 decreed that LR.NO.KARINGANI/MUGIRIRWA/962 be transferred to the Applicant's name.**
- 3. THAT the transfer documents have been with the Land Registrar, THARAKA-NITHI, but unfortunately cannot be registered because of the said inhibition, caution and the unavailability of the original title deed.**

4. THAT since the Honourable Court has fact in favour of the Applicant, it is only fair that the said inhibition and caution are lifted and the production of the original titled deed is dispensed with.

I deem the application as intended to facilitate implementation of this Court's decree and Judgement. The application is, therefore, allowed in terms of prayers 2,3 and 4.

It is so ordered.

Delivered in Open Court at Meru this 6th day of July, 2015 in the presence of:-

CC: Daniel/Lilian

Mutegi for the applicant

P.M. NJOROGE

JUDGE