



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 29 OF 2017

FORMERLY MERU ELC CASE NO. 51 OF 2015

GERALD KAJOGO IGUNA.....PLAINTIFF

VERSUS

MURIUNGI MAKEMBO SOLOMON.....DEFENDANT

RULING

1. This application is dated **9th June, 2020** and seeks the following orders:

1. That the inhibition entered by the honourable court in respect to Land Reference No. Tharaka/Nkondi 'A'/527 be cancelled and/or removed.
2. Costs of this application be provided for.

2. The application has the following grounds:

- a) That an inhibition was registered against the title to Land Reference No. Tharaka/Nkondi 'A'/527 is the cause of this suit.
- b) That the said parcel of land was awarded to the plaintiff upon judgment.
- c) That since then the inhibition has not been removed.
- d) That the plaintiff cannot deal with the land unless the inhibition is removed.

3. The application is supported by the affidavit of **David Maitai Rimita**, the applicant's advocate which states:

I, David Maitai Rimita an Advocate of P. O. Box 3151-60200 Meru in the Republic of Kenya, do hereby make oath and state as follows:

1. That I am an advocate of the High Court of Kenya and all other subordinate courts hence competent to swear this affidavit.
2. That an inhibition was ordered registered on Land Reference No. Tharaka/Nkondi 'A'/527 on 14th July, 2015 and confirmed on 8th March, 2017 in cause of this suit (Annexed is a copy of the initial order marked "DMR1").
3. That the suit was finalized and Land Reference No. Tharaka/Nkondi/ 'A'/527 was awarded to plaintiff/applicant vide a judgment dated 14th day of November, 2018.

4. That the plaintiff/applicant cannot be able to deal with the land unless the inhibition is removed and/or lifted.

5. That the intervention of this court is necessary.

6. That the contents of this affidavit are true to the best of my knowledge, information and belief.

4. M/s Otieno, the applicant's advocate told the court that the respondent's advocate had been properly served but was not in court. She told

the court that the intention of the application was to facilitate the implementation of this court's judgment. She urged the court to allow the application.

5. I do allow the application.

6. Costs are awarded to the applicant.

Delivered in open Court at Chuka this 28th day of September, 2020 in the presence of:

CA: Ndegwa

M/S Otieno for the Applicant

P. M. NJORGE,

JUDGE.