

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT KAKAMEGA

ELC CASE NO. 251 OF 2017

TERESIA ATURWA ATONYI.....PLAINTIFF/ RESPONDENT

VERSUS

FANUEL M. LIHANDA.....DEFENDANT/APPLICANT

RULING

The application is dated 3rd march 2020 and seeks for the following orders:-

- a. That the court be pleased to order the removal of the restriction entered in the register of land parcel No. Isukha/Shitoto/1420.
- b. That costs be granted.

It is based on the annexed affidavit of Fanuel Lihanda and the grounds that the respondent/plaintiff's case was heard and judgment was entered on the 28th day of November, 2019 where the respondent/plaintiff's case was dismissed for lack of merit. That the respondent has maintained the inhibition placed on his land title No. Isukha/Shitoto/1420 and she is not willing to have it deregistered. That it is in the interest of justice that the application be allowed. That the respondent shall not be prejudiced in any manner. That this application has been brought in utmost good faith and in the interest of justice to all parties concerned.

This court has considered the application and the submissions therein. The application is based on the grounds that the respondent/plaintiff's case was heard and judgment was entered on the 28th day of November, 2019 where the respondent/plaintiff's case was dismissed for lack of merit. That the respondent has maintained the inhibition placed on his land title No. Isukha/Shitoto/1420 and she is not willing to have it deregistered. The application is not opposed. I find the application is merited and I grant the same with no orders as to costs.

It is so ordered.

DELIVERED, DATED AND SIGNED AT KAKAMEGA THIS 28TH SEPTEMBER 2020.

N.A. MATHEKA

JUDGE