



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**E & L CASE NO. 251 OF 2013**

JOHN KARUNTIMI M'KIAMBATI.....PLAINTIFF

VERSUS

MAGDALINA KATHAMBI KARUNTIMI.....DEFENDANT

**R U L I N G**

The Application herein is dated 20th September, 2013 and seeks orders that:

1. **THAT this honourable Court be pleased to certify this Application as urgent, dispense with service in the first instance and the same be heard on priority basis.**
2. **THAT this honourable Court be pleased to order the lifting or withdrawal of the caution lodged by the respondent over the Plaintiff's land Registration NO. NYAKI/KITHOKA/720.**
3. **THAT costs of this application be in the cause.**

Prayer 1 is spent.

The Application came up for hearing Inter Partes on 31.10.2013. Although there is a certificate of service showing that the Defendant was served, she did not avail herself to present her side of the story. The Application is unopposed. I note that allowing this Application will have the effect of rendering the hearing of the main suit redundant. Nevertheless, the Respondent should have come to Court to oppose the Application.

In the Circumstances, the Application is allowed with costs in the cause.

Dated and Delivered in Open Court on 11th October, 2013 in the presence of:

Cc. Mwonjaru

Kaimenyi for applicant

**P. M. NJOROGE**

**JUDGE**