



**Nduma (Suing as the Legal Representative of the Estate of the Late Nduma Maruti) v Thagari & another (Environment and Land Case 157 of 2017) [2025] KEELC 6568 (KLR) (30 September 2025) (Ruling)**

Neutral citation: [2025] KEELC 6568 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT EMBU  
ENVIRONMENT AND LAND CASE 157 OF 2017  
AK BOR, J  
SEPTEMBER 30, 2025**

**BETWEEN**

**ESTHER MUNYU NDUMA ..... PLAINTIFF  
SUING AS THE LEGAL REPRESENTATIVE OF THE ESTATE OF THE LATE  
NDUMA MARUTI**

**AND**

**MILKA NDUMA THAGARI ..... 1<sup>ST</sup> DEFENDANT  
JOYCE NGUNGI NAMU ..... 2<sup>ND</sup> DEFENDANT**

**RULING**

1. The Plaintiff filed suit seeking a declaration that the award made against her late husband, Nduma Maruti, by the Siakago Land Disputes Tribunal (the Tribunal), and the subsequent decree issued by the Principal Magistrate's Court in Siakago in LDT Case No. 26 of 2010, was unlawful on the grounds that the Tribunal lacked jurisdiction. Her case was that the Tribunal made an award in respect of the land known as Nthawa/Kirie/784, which was subsequently subdivided into Nthawa/Kirie/1777 to 1781, and gave that land to the 1<sup>st</sup> Defendant's husband. The claim before the Tribunal was that the Plaintiff's husband sold the suit land to the 1<sup>st</sup> Defendant's husband (now dead). The Tribunal found in favour of the 1<sup>st</sup> Defendant's husband and awarded him the suit land, and in the alternative, it directed that the Plaintiff's was to refund the purchase price. The 1<sup>st</sup> Defendant caused Nthawa/Kirie 1778 to be transferred to the 2<sup>nd</sup> Defendant.
2. The judgment in the present suit was delivered on 18/9/2024, vide which the court held that the only avenues available to the Plaintiff to challenge the Tribunal's decision were either to appeal to the Appeals Committee or to seek judicial review, and that the Plaintiff had failed to pursue either remedy. Further, the court observed that the judgment emanating from the Principal Magistrate's Court was



not appealed against, and it remained a binding judgment. The court dismissed the Plaintiff's suit with costs.

3. The Defendants have now moved this court through application dated 5/5/2025 seeking the removal of the prohibitory orders lodged against Nthawa/Kirie/1777 to 1781 by the Plaintiff, Esther Munyu Nduma, together with costs of the application. The application was supported by the affidavit sworn by Joyce Ngungi Namu who deponed that the 1<sup>st</sup> Defendant is the registered proprietor of parcel numbers 1777, 1778, and 1780, while the 2<sup>nd</sup> Defendant is the registered proprietor of parcel number 1781. The court notes that the official searches of the suit land show that the 1<sup>st</sup> Defendant is the registered owner of parcel numbers 1777, 1779, 1780 and 1781 while the 2<sup>nd</sup> Defendant is the registered owner of parcel no. 1778. The Defendants filed the application in person, which may explain the incorrect land particulars.
4. The 2<sup>nd</sup> Defendant averred that the Plaintiff applied for prohibitory orders during the pendency of the suit. In light of the fact that the judgment was delivered on 18/9/2024 dismissing the Plaintiff's case with costs, the Defendants now seek to have the prohibitory orders lifted. The 2<sup>nd</sup> Defendant annexed copies of the authority to plead, 1<sup>st</sup> Defendant's identity card, and official searches for the suit land.
5. The issue that falls for determination is whether the prohibitory orders registered against the suit land should be removed. From the official searches, it is evident that the prohibitory orders were registered pursuant to an order of this court issued on 21/3/2018 and not 29/3/2018 as indicated in the official searches. Those orders were to subsist until the determination of the suit. No appeal was preferred against the judgment of this court delivered on 18/9/2024, which dismissed the Plaintiff's claim. Since the case in which the prohibition orders were issued was concluded, there is no legal basis for the continued existence of the prohibitory orders against the suit land.
6. The court is satisfied that the application is merited and directs that the prohibitory orders registered against land parcel numbers Nthawa/Kirie/1777, 1778, 1779, 1780, and 1781 are to be removed.

There will no orders as to costs.

**DELIVERED IN OPEN COURT AT EMBU THIS 30<sup>TH</sup> DAY OF SEPTEMBER 2025.**

**K. BOR**

**JUDGE**

In the presence of: -

Ms. Joyce Ngungi Namu- the 2<sup>nd</sup> Defendant

Court Assistant- Diana Kemboi

No appearance for the Plaintiff

