

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO. 106 OF 1999

MERU CENTRAL FARMERS COOPERATIVE

UNION AND 10 OTHERS.....PLAINTIFFS

VERSUS

JOHN KITHINJI MBERIA.....DEFENDANT

RULING

1. The application dated 27.12.2018 seeks orders to lift the orders of prohibition and any other restriction over parcel No. IGOJI/MWERU 1/433, and that costs of this application be provided for
2. The grounds in support of the application are that the suit was determined and an application for review to reopen it was disallowed on 28.11.2018. Further, it is contended that the suit land Igoji/Mweru 1/433 is still encumbered yet the suit has been determined.
3. Applicant has sworn an affidavit on 27.12.2018 where he has deponed that the suit was determined by way of summary judgment and his application to review the same was disallowed on 28.11.2018 and that the suit land had been inhibited as per the annexure marked 'JKMI' (copy of green card). Applicant cannot deal with the suit land due to the prohibitory order placed by the court.
4. The application was served but there was no response from plaintiff /respondents.
5. A perusal of the document marked "JKMI", a green card confirms that indeed land parcel No. 1/433 has been encumbered by a prohibitory order due to case no. 106 of 1999.
6. This case was finalized via a judgment of 27.11. 2000.
7. I therefore find that the application before me is merited. The same is allowed with no orders as to costs.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 20TH MARCH, 2019 IN THE PRESENCE OF:-

C/A: Kananu

Maheri holding brief for Mwanzia for applicant/defendant

Defendant

HON. LUCY. MBUGUA

ELC JUDGE