



**Nawanje v Muchori (Suing as an Administratriz of the Estate of the Late John Muchori Baiya)
(Environment and Land Case 3 of 2017) [2025] KEELC 7333 (KLR) (29 October 2025) (Ruling)**

Neutral citation: [2025] KEELC 7333 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KITALE
ENVIRONMENT AND LAND CASE 3 OF 2017
CK NZILI, J
OCTOBER 29, 2025**

BETWEEN

AUGUSTINE BARASA KHISA NAWANJE PLAINTIFF

AND

EUNICE MUGURE MUCHORI DEFENDANT

**SUING AS AN ADMINISTRATRIZ OF THE ESTATE OF THE LATE JOHN
MUCHORI BAIYA**

RULING

1. Form LRA 78, based on Rule 81(4) of the Land Registration (General Regulation) 2017, is what a party needs to file and submit to a Land Registrar to exercise its powers to remove or vary a restriction by an interested party under Section 78 of the *Land Registration Act*.
2. The Registrar is supposed to give parties affected a notice and an opportunity to be heard before ordering the removal or variation of a restriction. Sub-Rule (2) provides that upon the application of a proprietor affected by a restriction and upon notice to the Registrar, the court may order a restriction to be removed, varied, or other order as it deems fit.
3. A restriction is an official order entered by a Land Registrar to prohibit or limit specific types of transactions involving a particular parcel until it is lifted.
4. In *Re RMM* (E&LC Misc. Appl. E003 of 2022 [2023] KEELC 2584 [KLR]) (6th July 2022) (Ruling), the court said that under Section 78 of the *Land Registration Act*, a court may remove or lift any restriction upon the expiration of the time stated in the inhibition and that a Land Registrar has powers to do so.
5. In *Lillian Wakiiya Mwaura & Others -vs- The Chief Land Registrar, Thika ELC Appeal No. 13 of 2020*, the court cited *David Macharia Kinyuru -vs- District Land Registrar Naivasha & Anor* (2017)



eKLR, that restrictions endure for a particular time, or until the occurrence of an event, or the making of further order under Section 76 of the [Land Registration Act](#) and for it to endure for decades with no reason was unreasonable.

6. In the application dated 19/9/2025, the court is asked to remove a restriction on Title No. Trans Nzoia/Nyasi/30 placed on 16/5/2017. No evidence has been provided on whether the Land Registrar was approached and all the affected parties summoned for a hearing and a decision made one way or the other.
7. A formal request letter addressed to the Land Registrar has not been attached herein. A copy of the order that was used to register the restriction is not before the court. It is not clear whether this order emanated from this file or any other file. The official search certificate before the court does not refer to the date the order was issued, nor does it specify whether it was specifically issued in this file.
8. A court must be careful in lifting a restriction, especially where the applicant has not exhausted the mechanism set under Section 78 of the [Land Registration Act](#) as read together with Rule 8(4) of the Land Registration (General Regulation), 2017. See *Gatimu & Another -vs- Land Registrar Nairobi Land Registry ELC Misc. Case E124 of 2023 [2024] KEELC 69 [KLR]* (16th January 2024) (Ruling).
9. The basis upon which the Land Registrar has not been joined in this application is not clear. In the premises, I find no basis to allow the prayer to lift the restriction. The application is dismissed with no order as to costs.
10. Orders accordingly.

RULING DATED, SIGNED, AND DELIVERED VIA MICROSOFT TEAMS/OPEN COURT AT KITALE ON THIS 29TH DAY OF OCTOBER 2025.

In the presence of:

Court Assistant - Dennis

Walker for Arunga for defendant/applicant present

Teti for plaintiff/respondent absent

HON. C.K. NZILI

JUDGE, ELC KITALE.

