



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT CHUKA**

**CHUKA ELC CASE NO. 106 OF 2017**

**FORMERLY MERU HCC CASE NO. 100 OF 2007**

**FREDRICK KIRIMI NYAGA (SUING AS LEGAL**

**REPRESENTATIVE OF THE ESTATE OF ALEXANDER**

**NYAGA MUTHARA (DECEASED)).....PLAINTIFF**

**VERSUS**

**WILFRED KINYUA KANYARU.....DEFENDANT**

**RULING**

1. This application is dated **16<sup>th</sup> April, 2019** and seeks orders:

1. That this application be certified urgent and the same be heard without delay.
2. That the honourable court be pleased to lift the order of inhibition placed against Land Parcel No. Karingani/Mugirirwa/1519.
3. That the costs of this application be in cause.

2. The application is supported by the affidavit of Fredrick Kirimi Nyaga, the applicant and has the following grounds:

1. At the time when the plaintiff/deed holder filed this suit, he had vide the Notice of Motion dated 17.1.2001 applied for an order of inhibition to protect Land Parcel No. Karingani/Mugirirwa/1519 pending the hearing and determination of this suit.
2. The honourable court issued an order of inhibition on 20.3.2001 against Land Parcel No. Karingani/Mugirirwa/1519 which was subsequently registered.
3. This suit was heard and determined in favour of the plaintiff/deed holder on 19.12.2018.
4. Decree has already been issued.
5. To enable the plaintiff/deed holder implement this court judgment delivered on 19.12.2018, it is only just and fair that the order of inhibition placed against Land Parcel No. Karingani/Mugirirwa/1519 be lifted.
6. No appeal and/or any other application is pending in this court.
7. No prejudice will be occasioned to the defendant if this application is allowed.

3. I find that the application is meant to facilitate the implementation of this court's judgment as has been submitted by Mr. Nyamu Nyaga, the applicant's advocate.

4. In the circumstances, prayer 2 is allowed with the effect that the order of inhibition placed against Land Parcel No. Karingani/Mugirirwa/1519 is hereby lifted and the Land Registrar in charge of the records concerning this land is hereby ordered to remove

the apposite inhibition forthwith.

5. Costs are awarded to the applicant.

**Delivered in open Court at Chuka this 24<sup>th</sup> day of April, 2019 in the presence of:**

CA: Ndegwa

Nyamu Nyaga for the Plaintiff/applicant

**P.M. NJOROGE**

**JUDGE**