



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT CHUKA**

**CHUKA ELC CASE NO. 119 OF 2017**

**FORMERLY MERU ELC. 48 OF 2010 (OS)**

**M'RAMA MITAMBO.....PLAINTIFF**

**VERSUS**

**NKONGE RUBARA.....DEFENDANT**

**RULING**

1. This application is dated **27<sup>th</sup> February, 2019** and seeks orders:

1. That this honourable court be pleased to issue orders for the removal of inhibition, cautions and other restrictions which were lodged and registered against parcel of land L.R. No. Mwimbi/S. Mugumango/565.
2. That the Land Registrar Meru South at Chuka be ordered to remove the said orders of inhibition, cautions and restrictions which were lodged and registered in parcel of land L.R. NO. Mwimbi/S. Mugumango/565.
3. That the costs of this application be paid by the plaintiff.

2. The application is supported by the affidavit of Nkonge Rubara, the defendant sworn on **27<sup>th</sup> February, 2019** which states:

**I, NKONGE RUBARA of P. O. Box 39, Chogoria** in the Republic of Kenya do hereby make oath and state as follows:

1. That I am the defendant/applicant herein hence I am competent to make and swear this affidavit.
2. That the plaintiff filed this suit on the 6<sup>th</sup> day of April, 2010.
3. That on 29.10.1987 the plaintiff lodged a caution and the same was registered against L.R. No. Mwimbi/S. Mugumango/565.
4. That this suit was dismissed by the court on 21.3.2018. Annexed is the copy of the judgment and certificate of official search marked "NR1" and "NR2".
5. That now I pray this honourable court to order The Land Registrar Meru South to remove the orders of inhibition, cautions and restrictions lodged against my land L.R. No. Mwimbi/S. Mugumango/565.
6. That I further make this affidavit in support of my application annexed hereto praying for the removal of the caution lodged against L.R. No. Mwimbi/S. Mugumango/565.
7. That what I have deponed to herein above is true to the best of my knowledge, information and belief.

3. Miss Wanjohi, for the defendant, asked the court to allow the application as it is merely meant to facilitate implementation of this court's judgment delivered on **21<sup>st</sup> March, 2018**. I agree.

4. In the circumstances, the application is allowed in terms of prayer 2 with the effect that the Land Registrar in charge of records concerning Land Parcel No. **MWIMBI/S. MUGUMANGO/565** is ordered to remove any orders of inhibition, caution or restriction lodged and registered against this parcel of land forthwith.

5. Costs are awarded to the applicant.

6. It is so ordered.

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

CA: Ndegwa

Miss Wanjohi present for the Defendant/Applicant

Firm of Kiautha absent for the Plaintiff/Respondent

**P.M. NJORGE**

**JUDGE**