



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

CHUKA ELC CIVIL APPEAL CASE NO. 113 OF 2018

FORMERLY MERU HIGH COURT CIVIL APPEAL NO. 128 OF 2009

ROLAND MBUBA MUKINGO.....APPELLANT

VERSUS

LUCY KARIMI MUCIOKA.....RESPONDENT

RULING

1. This application is dated **28th March, 2019** and seeks orders:

1. This application be heard ex-parte and urgently.

2. This Hon. Court do order the removal/lifting up of the caution/inhibition and/order restrictions placed over land parcel No. Magumoni/Thuita/149 for purposes of affecting the transfer of one (1) acre to the applicant.

3. That the original title be dispensed with.

4. The court do make such further orders as may meet the ends of justice in this matter.

5. Costs of this application be provided for.

2. The application has only one ground that:

i. This suit is now finalized.

3. The application is supported by the affidavit of Lucy Karimi Muchoka which states:

I, Lucy Karimi Mucioka of Thuita Sub-location, Magumoni Location P. O. Box 7 Magumoni do hereby make oath and state as follows:

1. That I am the applicant herein competent to swear this affidavit.

2. That I am also the plaintiff/applicant in Chuka SRM LDT Case No. 4 of 2008.

3. That there is an order in the LDT Case for the executive Officer to sign all requisite documents to enable a transfer of one (1) acre of land to my names (annexed and marked as 'LKM '1' acre of land to my names (annexed and marked as 'LKM '1' is a copy of the said decree).

4. That I am not able to effect the transfer of the land parcel into my names because the title deed is currently inhibited by an order of this court dated 17th February, 2010 as well as a caution by a person called Jafford Gitonga Mbaka who is claiming a purchasers interest on the land (annexed and marked as 'LKM '2' is a copy of the official search for the said land).

5. That there is nothing of substance pending before this or any other court and I pray that the illegal order of inhibition be removed and/or lifted.

6. That it is in the interest of justice that the original title deed to this land be dispensed with and that the inhibition and caution be lifted/and or removed.

7. That what is stated herein is true to the best of my knowledge, understanding and belief.

Sworn by the said Lucy Karimi Mucioka at Meru this 28th day of March, 2019.

4. During hearing Miss Kithaka told the court that the application is meant to implement a court judgment/decree. I agree.

5. In the circumstances, prayers 2 and 3 are allowed.

6. Costs are awarded to the applicant.

7. It is so ordered.

Delivered in open Court at Chuka this 3rd day of April, 2019 in the presence of:

CA: Ndegwa

M/S Kithaka for the Applicant

P. M. NJOROGE

JUDGE