



**REPUBLIC OF KENYA**

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

**ELC (OS) CASE NO. 7 OF 2019**

**LUKA KIRIMI WILLIAM.....**  
**PLAINTIFF**

**=VERSUS=**

**ROBERT MIRITI MURIANKI.....**  
**DEFENDANT**

**RULING (EX-TEMPORE)**

1. This suit was initiated through an originating summons dated 2/4/2019. The plaintiff sought adverse possession orders. On 17/6/2019, this court (**P.M Njoroge J**) dismissed the suit with no order as to costs. There was no counterclaim by the defendant.
2. The defendant subsequently brought a post-disposal application dated 14/9/2021, seeking various substantive reliefs, including an order directing survey of land parcel number **656 Lower East Magutuni Adjudication Section** and an order directing the OCS of Chogoria Police Station to avail security. The court (**Yano J**) granted the above post-disposal orders on 15/12/2021.

3. Subsequent to that, the defendant brought a notice of motion dated 9/9/2025 seeking a review of the order of 15/12/2021 to substitute “OCS Magutuni Police Station” with “OCS Chogoria Police Station.”
4. When the above post-disposal application came before the court (**Eboso J**), the court requested the defendant to address it today on the jurisdiction of the court to issue substantive post-disposal orders to a defendant who did not have a counterclaim and does not have a positive decree in a disposed cause. Today, counsel for the defendant has orally applied to withdraw the application.
5. In the absence of any objection, the oral plea to withdraw the application dated 9/9/2025 is allowed. There will be no order as to costs.

**DATED, SIGNED AND DELIVERED AT CHUKA THIS 26TH DAY OF NOVEMBER, 2025.**

**B M EBOSO [MR]**

**ELC JUDGE**

**In the Presence of:**

Plaintiff - Absent

Ms. Kijaru for the Defendant

Court Assistant - Mr. Mwangi