



**Cheema v Nairobi City County (Environment and Land Miscellaneous Case E192 of 2025) [2026] KEELC 790 (KLR) (18 February 2026) (Ruling)**

Neutral citation: [2026] KEELC 790 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI  
ENVIRONMENT AND LAND MISCELLANEOUS CASE E192 OF 2025**

**CG MBOGO, J**

**FEBRUARY 18, 2026**

**IN THE MATTER OF: THE LAND REGISTRATION ACT  
AND IN THE MATTER OF: REMOVAL OF A PROHIBITORY ORDER OVER  
L.R. NO. 37/261/13, IR 15671 BY ORDER OF COURT IN THE 1ST CLASS  
MAGISTRATES COURT AT NAIROBI (SHERIA HOUSE) NO. 308 OF 1974**

**BETWEEN**

**RAGBIR SINGH CHEEMA ..... APPLICANT**

**AND**

**NAIROBI CITY COUNTY ..... RESPONDENT**

**RULING**

1. Before this court is the notice of motion dated 24<sup>th</sup> June 2025 filed by the applicant, and it is expressed to be brought under Section 70 of the [Land Registration Act](#), Order 51 Rule 1 of the Civil Procedure Rules and Sections 1A, B and 3A of the [Civil Procedure Act](#) seeking the following orders:-
  1. Spent.
  2. That the prohibitory order registered on Nairobi L.R No. 37/261/13, IR 15671 by the honourable court on 30<sup>th</sup> April, 1975 in 1<sup>st</sup> class magistrates court (Sheria House) in civil suit no. 308 of 1974 be removed.
  3. That the registrar of lands (Nairobi) to note the removal of the prohibitory order on Nairobi L.R No. 37/261/13, IR 15671.
  4. That the costs of this application be provided for.
2. The application is premised on the grounds on its face. It is further supported by the affidavit of the applicant sworn on even date. The applicant deposed that the property known as LR No. 37/261/13



IR 15671 was registered in the names of Sohan Singh and Piara Singh. He deposed that Piara Singh is his father and he passed away on 6<sup>th</sup> July, 2007 and that upon his death, the will stipulate that the property was to be held by his mother during her lifetime and upon her death, the same to be bequeathed to himself absolutely.

3. The applicant deposed that on 23<sup>rd</sup> March, 2000, his mother, Kartar Kaur, passed away and thereafter the property was bequeathed to him. Further, that there is a prohibitory order on the property issued by the 1<sup>st</sup> class magistrates court in Civil Suit No. 308 of 1974 on 30<sup>th</sup> April, 1975 against his father for failure to satisfy the decree amounting to Kshs.1057.80.
4. The applicant deposed that on 23<sup>rd</sup> April, 2025, he settled the decretal amount as per the order of the court, and that the urgency of this matter is to proceed with the transfer of the property to his name as per the wishes of his late father.
5. The respondent did not file any response or objection to the application. The application was canvassed through written submissions. The applicant filed his written submissions dated 6<sup>th</sup> October, 2025. The respondent did not file its written submissions. Be that as it may, I have considered the application, the documents in support thereof and the written submissions. The issue for determination is whether the application has merit.
6. Section 70 of the [Land Registration Act](#) provides as follows:-

“The registration of an inhibition shall not be cancelled except in the following cases —

  - a. on the expiration of the time stated in the inhibition;
  - b. on proof to the satisfaction of the Registrar of the occurrence of an event stated in the inhibition;
  - c. on the land, lease or charge being sold by a charge, unless such sale is itself inhibited; or
  - (d) by a consequent order of the court.”
7. The applicant in this case seeks the removal of the prohibitory order placed against the title on 30<sup>th</sup> April, 1975. He stated that the prohibition was placed on the title of the property following his late father’s refusal to settle the decretal sum of Kshs.1,057.80 which he has now paid. He expressed his desire to have the property transferred to him following the will by his late father.
8. I have perused the documents annexed to the application. The application of resealing the will in Kenya dated 20<sup>th</sup> January, 2010 the prohibitory order in civil suit no. 308 of 1974 and the receipt of the payment of the decretal sum of Kshs.1,058.00 dated 23<sup>rd</sup> April, 2025.
9. From the documents supplied by the applicant, I am of the view that the applicant has satisfied his late father’s decree by paying the decretal amount. It follows therefore that the prohibitory orders ought to be cancelled pursuant to Section 70 of the [Land Registration Act](#), Cap 300.
10. I find merit in the notice of motion dated 24<sup>th</sup> June, 2025 and the same is allowed in the following terms:-
  - i. The prohibitory order registered on Nairobi L.R No. 37/261/13, IR 15671 by the court on 30<sup>th</sup> April, 1975 in 1<sup>st</sup> class magistrates court (Sheria House) in civil suit no. 308 of 1974 is hereby removed.



ii. The registrar of lands (Nairobi) to note the removal of the prohibitory order on Nairobi L.R No. 37/261/13, IR 15671.

iii. I make no order as to costs.

It is so ordered.

**DATED, SIGNED & DELIVERED VIRTUALLY THIS 18<sup>TH</sup> DAY OF FEBRUARY, 2026.**

**HON. MBOGO C.G.**

**JUDGE**

**18/02/2026.**

In the presence of:

Ms. Benson Agunga - Court assistant

Mr. Jonathan Mwawaka Katumo for the Applicant

No appearance for the Respondent

