



THE JUDICIARY



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MURANG'A
ELCLOS E028 OF 2025

PERIS WAIRIMU MUCHIRIAPPLICANT

VERSUS

MARY NJERI KARIUKI MWANGI.....1ST RESPONDENT

HENRY KARIUKI MWANGI.....2ND RESPONDENT

JUDGMENT

(1) In the originating summons dated 1-8-2025, the Applicant seeks the following orders.

(1) That this Court do issue an order directing the Land Registrar Murang'a to remove the restriction/inhabitation registered against land parcel No. Makuyu/Kimorori/Block 1/Ngimu/902 on 28-10-2020.

(2) The summons is premised on three(3) grounds and it is supported by two affidavits by the Applicant dated 1-8-2025 and 17-3-2026 respectively.

(3) The Applicant's case is as follows. Firstly, she is the registered owner of the suit land. She acquired the land through purchase from the previous owner, Jane Wairimu Muiruri. Secondly, in May 2025, the Applicant discovered that her land had been restricted through a court order issued in Kiambu HCCC OS No.8 of 2020. Thirdly, before purchasing the land, the Applicant had confirmed that the seller was the registered owner. She did so vide a certificate of official search dated 24-9-2012. Finally, the sale went through all the statutory processes including the Land Control Board and a verification by the area chief that Jane Wairimu Muiruri was the registered owner of the suit land.

(4) In support of her case, the Applicant filed the following evidence.

(a) Two affidavits dated 1-8-2025 and 17-3-2026 respectively.

(b) Copy of register for the suit land running from 15-4-1988 to 28-10-2020.

(c) Copy of title deed dated 23-10-2012 in the name of the Applicant.

(d) Copy of certificate of official search dated 24-9-2012.

(e) Copy of application for consent of the Land Control Board.

(f) Copy of consent of the Land Control Board.

(5)The 2nd Respondent, through counsel on record filed an affidavit dated 22-10-2025 in which he stated as follows. One, in April 2009, he purchased the suit land and after 8 months, sold it to Jane Wairimu Muiruri. Two, he has no interest in the suit land.

(6)The first Respondent though served did not file any response to the summons by the Plaintiff.

(7)Counsel for the parties opted to proceed by way of relying on the affidavits which they had filed. Counsel did not file any written submissions.

(8)The issues for determine are as follows.

i. Whether the Applicant is the registered owner of the suit land.

ii. Whether the Respondents have any good reason for restricting the suit land.

(9)Having carefully considered the summons in its entirety including the affidavits, the annexures and entire record, I find that the Applicant is the lawfully registered owner of the suit land. Secondly, I find that the Respondents do not have any lawful justification for restricting the suit land.

For the above stated reasons, I enter judgment for the Applicant against the Respondents in terms of prayer 1 so that an order hereby issues directing the Land Registrar Murang'a to remove the registration/inhibition in respect of the suit land.

No order as to costs.

Dated, Signed and Delivered virtually at Murang'a this 5th day of May, 2026.

**M.N. GICHERU
JUDGE.**

Delivered online in the presence of; -

Court Assistants – Jackline and Antony

Appellant's Counsel – Absent

2nd Respondent's Counsel – Miss Waithira Mwangi