



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT CHUKA**

**CHUKA ELC CASE NO 15 OF 2017**

**FORMERLY MERU ELC CASE NO. 170 OF 2014 (OS)**

**IN THE MATTER OF 1 ½ ACRE OF LAND WITHIN LAND PARCEL NO. MAGUMONI/THUITA/494 REGISTERED IN THE NAMES OF KITHINJI NJOKA, MURITHINJOKA, MUTEMBEI NJOKA**

**LOYFORD MURIUKI RIARA.....1<sup>ST</sup> PLAINTIFF**

**ZIPPORAH MUTHONI RIARA.....2<sup>ND</sup> PLAINTIFF**

**CATHERINE CIANDEKE.....3<sup>RD</sup> PLAINTIFF**

**SUSAN CIAMWARI .....4<sup>TH</sup> PLAINTIFF**

**VERSUS**

**KITHINJI NJOKA.....1<sup>ST</sup> DEFENDANT**

**MURITHI NJOKA.....2<sup>ND</sup> DEFENDANT**

**MUTEMBEI NJOKA.....3<sup>RD</sup> DEFENDANT**

**JUSTIN NYAGA NKIINI.....4<sup>TH</sup> DEFENDANT**

**RULING**

1. This application, on its face, states that it has been brought to court under section 73(1) & 6 of the Land Registration Act No. 3 of 2012, sections 3, 3A and 63(e) of the Civil Procedure Act, Cap 21 Laws of Kenya and Order 51 Rule 1 of The Civil Procedure Rules. It seeks orders:

1. That this honourable court be pleased to certify this application urgent owing to its urgent nature and hear the same without delay.
2. That this honourable court be pleased to issue an order removing the caution placed against Land Parcel No. Magumoni/Thuita/494 to enable the implementation of this court's judgment delivered on 22.5.2019.
3. That costs of this application be provided for.

2. The application has the following grounds:-

1. The honourable court delivered its judgment in this case on 22.5.2019.
2. It has not been possible to implement the said court judgment owing to a caution placed against the suit land namely; Land Parcel No. Magumoni/Thuita/494 by one Erastus Marangu – deceased.
3. The said Erastus Marangu – deceased was husband to the 4<sup>th</sup> plaintiff.

4. No prejudice will be occasioned to the plaintiffs if the said caution is removed by an order of this honourable court.

5. It is only just and fair that this application be allowed.

3. On **25<sup>th</sup> September, 2019**, Murango Mwenda holding brief for Mr. Nyamu Nyaga, the defendants' advocate, asked the court to grant prayer 2 in the application to facilitate implementation of its judgment delivered on **22<sup>nd</sup> May, 2019**. Mr. Ndege, holding brief for Mr. I.C. Mugo, the **4<sup>th</sup> Plaintiff's** advocate, told the court that the application was not opposed.

4. I find that the application has merit. In the circumstances, prayer 2 is granted.

5. No costs are awarded.

6. It is so ordered.

**Delivered in open Court at Chuka this 25<sup>th</sup> day of September, 2019 in the presence of:**

**CA: Ndegwa**

**Murango Mwenda h/b Nyamu Nyaga for the Defendants**

**Mr. Ndege h/b Mr. I.C. Mugo for the 4<sup>th</sup> Plaintiff**

**P. M. NJORGE,**

**JUDGE.**