



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LANDCOURT AT CHUKA**

**CHUKA ELC CASE NO. 171 OF 2017**

**FORMERLY MERU ELC CASE NO. 200 OF 2012**

**MUGENDI EDWIN.....PLAINTIFF**

**VERSUS**

**TIMOTHY MICHENI KANAMPIU.....DEFENDANT**

**RULING**

1. This application is dated **13<sup>th</sup> April, 2018** and seeks the following orders:

1. That this application be certified as urgent and be heard ex-parte in the first instance.
2. That this honourable court be pleased to order the lifting and vacation of the inhibitions registered against the titles herein.
3. That the costs for and incidental to this application be provided for.

2. The application has the following grounds:

- (i) That this is a finalized suit.
- (ii) That the inhibitions registered against the titles no longer serve any purpose.
- (iii) That the plaintiff will not be prejudiced in any way by the withdrawal of the inhibitions.

3. The application is supported by the affidavit of **Timothy Micheni Kanampiu**, the applicant sworn on **13<sup>th</sup> April, 2018**. It states as follows

1. That I am named as the defendant in respect of this civil case.
2. That I am the registered owner of land reference numbers:-

- a) Mwimbi/Chogoria/5295
- b) Mwimbi/Chogoria/5300
- c) Mwimbi/Chogoria/5296
- d) Mwimbi/Chogoria/5294
- e) Mwimbi/Chogoria/5298
- f) Mwimbi/Chogoria/5297

g) That the plaintiff sued me in **H.C.C. 200 of 2012** court claiming that I obtained the parcels of land fraudulently the in that due process of this land (sic).

3. That all the said parcels of land have been inherited by court orders which decrees (sic) that the inhibitions should remain in force until the determination of this suit (annexed herein find copies of the search certificate in respect of the parcels of lands in question) (MK1)

4. That these (sic) are no appeal pending and the said is fully heard.

5. That I am praying this honourable court to lift and remove the orders of inhibition herein.

6. That content (sic) of this affidavit are true to the best of my knowledge, information and belief.

4. On **15<sup>th</sup> May, 2018**, Mr. Timothy Micheni Kanampiu, in the absence of his advocate, Mr. B.G. Kariuki, asked the court to allow his application. He said that he was relying on his supporting affidavit.

5. I have considered the pleadings proffered by the applicant. I find that the application has merit.

6. In the circumstances, the application is allowed with the effect that any inhibitions registered against title Numbers **MWIMBI/CHOGORIA/5295, 5300, 5296, 5294, 5298 and 5297** are hereby lifted and vacated and the Registrar responsible for the registers apposite to those titles is ordered to remove those inhibitions forthwith.

7. No costs are awarded.

8. It is so ordered.

**Delivered in open court at Chuka this 15<sup>th</sup> day of May, 2018**

in the presence of:

CA: Ndegwa

Timothy Micheni Kanampiu - Applicant

**P.M. NJOROGE**

**JUDGE**