



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO. 13 OF 2001

MARCELLA MUTHONI RUCHA.....1ST PLAINTIFF

SABINA GATUNE RUCHA.....2ND PLAINTIFF

VERSUS

SALESIO KANAMPIU M'TWARUCHIU.....1ST DEFENDANT

TITUS MUGAMBI M'IRERI.....2ND DEFENDANT

RULING

1. The application dated 13.3.2018 seeks the following orders;

- i. That this Honourable court be pleased to issue orders for the removal of the inhibition, restrictions and cautions which have been registered against L.R No. Mwimbi Central Magutuni/121.
- ii. That the land registrar Tharaka Nithi District be ordered to remove the orders of inhibition restrictions and cautions registered against L.R No. Mwimbi Central Magutuni/121.
- iii. That the costs of this application be provided for.

2. There is a supporting affidavit of Titus Mugambi (2nd defendant) sworn on behalf of himself and 1st defendant where he has deponed that the plaintiffs herein filed this suit on 24/1/2001, whereby defendants entered appearance on 20/2/2001 and filed a statement of defence on the same day. However, plaintiffs failed to prosecute their case and the suit was dismissed by this honourable court on 19/5/2017 for want of prosecution.

3. Defendants aver that on 24/2/2001 the plaintiffs had caused to be registered at the lands office, an inhibition against the deponent's parcel of land L.R No. Mwimbi/Central Magutuni/121. Despite the dismissal of this case the plaintiffs have failed, refused and/or neglected to apply for the removal of the said inhibition, hence the application.

4. I find that indeed this case was dismissed on 19.5.2017 and hence the orders of inhibition, restrictions and cautions should not be subsisting. The application is allowed with no orders as to costs.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 9th MAY, 2018 IN THE PRESENCE OF:-

Court Assistant: Janet/Galgalo

D. Mbaya for plintiff absent

Kiogora for defendants

Applicant present

All parties absent

HON. LUCY. N. MBUGUA

