



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MERU

CIVIL APPEAL NO 55 OF 1980

PURANA NIGAAPPELLANT

VERSUS

ASHFORD NJOKARESPONDENT

GLADYS CIANJAU BORANA.....APPLICANT

RULING

1. The Notice of Motion dated 11th April, 2017 seeks the following orders:-

- (1) That this Court be pleased to certify this application urgent and that service of the same be dispensed with.
- (2) That this Honorable Court be pleased to substitute the Plaintiff who is deceased with GLADYS CIANJAU BORANA.
- (3) That cost of this application be in cause.

2. The Application is supported by the Affidavit of Gladys Borana Cianjau sworn on 11th day of April, 2017 and has the following grounds:-

- (1) That the Plaintiff herein filed suit against the defendant which suit was determined in favor of the plaintiff.
- (2) That the defendant appealed and the appeal was allowed with costs.
- (3) That before the plaintiff could pay the said costs the defendant/ respondent attached the plaintiff's parcel of land LR KARINGANI/MUGIRERWA/42 and placed an inhibition on the said parcel.
- (4) That the plaintiff subsequently paid the costs thus settling the matter.
- (5) That despite the matter being settled, the orders of inhibition still exist and are hindering her from distributing the land to the lawful heirs.
- (6) That applicant is the legal representative of the estate of the Plaintiff who died on the 22nd day of January, 1990, (See copy of the grant).
- (7) That applicant would like to be substituted in place of the plaintiff for purposes of having the

inhibition removed.

(8) That the delay in filing this application was not deliberate but was caused by the fact that applicant did not know that the land was inhibited until recently when she wanted to distribute the deceased's estate and learnt from the registry that the said parcel has a restriction.

(9) That no prejudice will be caused to any party if the application is allowed.

(10) That in the premises applicant urges the court to allow her application.

3. I find that the application is unopposed and the same is meritorious.

4. The application dated 11:04:17 is allowed with costs in the cause.

DELIVERED, DATED AND SIGNED AT MERU THIS 12TH DAY OF JULY, 2017 IN THE PRESENCE OF:

C:A Janet

J.M. Waigi h/b for Nelima & associates for Applicant.

HON. L. N. MBUGUA

ELC JUDGE