

REPUBLIC OF KENYA

IN THE ENVIROMENT AND LAND COURT AT MERU

ELC CASE NO. 27 OF 2017

JOHN MBAE M'IRINGO.....PLAINTIFF

VERSUS

YUSUF MWONGERA MBAE.....1ST DEFENDANT

ALI GATUA MBAE.....2ND DEFENDANT

SHEKIRA MAKENA.....3RD DEFENDANT

J U D G M E N T

Plaintiff is the father of the 3 defendants. In his pleadings, he states that he owns Land Parcel No. L.R. KIIRUA /NKANDO/4343 and that in June, 2016, his children lodged a caution on the land. He wants the caution to be removed.

Summons to enter appearance were served as is evident from the affidavit of service of one Joseph Kithinji. However, defendants did not enter appearance, nor did they file a statement of defence.

Plaintiff testified on 03.10.17 and he gave a plausible account of how a caution was lodged on his land by his children. He also stated that he has given the defendants land No. Ntima/Ntakira/3357. He produced a Search Certificate (P Ex 2) showing that he transferred this land to his children way back on 12.03.01.

I find that Plaintiff's claim is uncontroverted. I therefore allow the same. The Court hereby orders that the caution lodged on Parcel No. L.R. Kiirua/ Nkando/4343 be removed forthwith. There are no orders as to costs, as this is a family matter.

DELIVERED, SIGNED AND DATED THIS 24TH OCTOBER, 2017 IN THE PRESENCE OF:-

C:A Janet

Kiongo H/B for Kimathi Kiara for Plaintiff present

HON. L.N. MBUGUA

ELC JUDGE