



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT CHUKA**

**CHUKA ELC CASE NO 269 OF 2017 (OS)**

**IN THE MATTER OF THE REGISTRATION OF LANDS ACT NO. 3 OF 2012 SECTION 28(H)**

**AND IN THE MATTER OF ORDER 37 RULE 7 CIVIL PROCEDURE RULES**

**AND IN THE MATTER OF SECTION 38 OF THE LIMITATIONS OF ACTIONS ACT CHAPTER 22 LAWS OF KENYA**

**AND IN THE MATTER OF AN APPLICATION BY BORNFACE GITARI KIRIMO THAT THE COURT DO MAKE A DECLARATION THAT HE IS ENTITLED TO 0.25 ACRES OUT OF THE ORIGINAL LR; KARINGANI/MUGIRIRWA/365 OR ITS SUBDIVISIONS LR; KARINGANI/MUGIRIRWA/3677, 3678, 3679**

**AN IN THE MATTER OF AN APPLICATION BY BORNFACE GITARI KIRIMO THAT HE BE REGISTERED WITH 0.25 ACRES OUT OF THE ORIGINAL LR; KARINGANI/MUGIRIRWA/365 OR ITS SUBDIVISIONS LR; KARINGANI/MUGIRIRWA/3677, 3678 AND 3679**

**BORNFACE GITARI KIRIMO.....PLAINTIFF**

**VERSUS**

**DYNAH KANGAI ALBERT (SUED AS AN**

**ADMINISTRATIX OF THE ESTATE OF**

**ALBERT MURERA NGARUNI).....1<sup>ST</sup> DEFENDANT**

**FELIX KIRIMI MUCHEKE (SUED AS A**

**BENEFICIARY OF THE ESTATE**

**OF ALBERT MURERA NGARUMI).....2<sup>ND</sup> DEFENDANT**

**JOSELINE CIAUTEGI MUCHEKE (SUED AS**

**A BENEFICIARY OF THE ESTATE**

**OF ALBERT MURERA NGARUMI).....3<sup>RD</sup> DEFENDANT**

**ROSE CIRINDI ALBERT (SUED AS A**

**BENEFICIARY OF THE ESTATE**

**OF ALBERT MURERA NGARUMI).....4<sup>TH</sup> DEFENDANT**

**BESSU KANJIRU ALBERT (SUED AS A**

**BENEFICIARY OF THE ESTATE**

OF ALBERT MURERA NGARUMI).....5<sup>TH</sup> DEFENDANT

LISPER KENDI MUCHEKE (SUED AS A

BENEFICIARY OF THE ESTATE

OF ALBERT MURERA NGARUMI.....6<sup>TH</sup> DEFENDANT

**RULING**

1. This application is dated 14<sup>th</sup> July, 2017 and seeks orders:

1. That for reasons set out in the certificate of urgency herewith annexed and filed the court be pleased to certify this application urgent and service of the same be dispensed with in the first instance and the court do issue prayer 2 on ex-parte and interim basis.

2. That pending the hearing and determination of this motion the court be pleased to issue an inhibition order against land parcels LR; KARINGANI/MUGIRIRWA/3677, LR;KARINGANI/MUGIRIRWA/3678 AND LR;KARINGANI/MUGIRIRWA/3679 inhibiting any subdivision, sale, lease or transfer.

3. That pending the hearing and determination of the main suit the court be pleased to issue an inhibition order against land parcels LR;KARINGANI/MUGIRIRWA/3677, LR;KARINGANI/MUGIRIRWA/3678 AND LR;KARINGANI/MUGIRIRWA/3679 inhibiting any subdivision, sale, lease or transfer.

4. Cost of this application be provided for.

2. On **11<sup>th</sup> October, 2017**, the parties proffered to court a consent dated **5<sup>th</sup> October, 2017** which was duly signed by their advocates. The consent states:

**RE: CONSENT ORDER**

Could you kindly enter a consent order between the applicant and respondents herein through their respective counsels in the following terms;

**1.The** application by way of notice of motion dated 14<sup>th</sup> July, 2017 be and is hereby allowed in the following terms;

(i) That pending the hearing and determination of the main suit the honourable court issues inhibition order against land parcels LR;KARINGANI/MUGIRIRWA/3677, LR;KARINGANI/MUGIRIRWA/3678 AND LR;KARINGANI/MUGIRIRWA/3679 inhibiting any subdivision, sale, lease or transfer.

(ii) Cost be in the cause.

3. The consent is adopted as an order of this court.

4. The plaintiff is directed to fully comply with Order 11, CPR within 7 days of today and the respondents are directed to do so within 7 days after receipt of the plaintiff's compliance documents.

5. Parties are directed to come back to court for directions on **1.11.2017**.

6. It is so ordered.

**Delivered in open court at Chuka this 11<sup>th</sup> day of October, 2017**

in the presence of:

CA: Ndegwa

IC Mugo for the Plaintiff\

Kijaru h/b Muriithi for Respondent

**P.M. NJOROGE**

**JUDGE**