



**REPUBLIC OF KENYA**

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

**CHUKA ELC CASE NO 268 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 ELIZAPHAN NTHIIRI RERI THAT THE  
COURT DO MAKE A**

**DECLARATION THAT HE IS ENTITLED TO 0.12 ACRES OUT OF THE ORIGINAL LR:**

**KARINGANI/MUGIRIRWA/365 OR ITS SUBDIVISIONS LR;  
KARINGANI/MUGIRIRWA/3677, 3678, 3679**

**AND IN THE MATTER OF AN APPLICATION BY ELIZAPHAN NTHIIRI RERI THAT HE BE  
REGISTERED WITH 0.12 ACRES OUT OF THE ORIGINAL LR;  
KARINGANI/MUGIRIRWA/365 OR ITS SUBDIVISION LR; KARINGANI/MUGIRIRWA/3677,  
3678 AND 3679**

**ELIZAPHAN NTHIIRI RERI.....PLAINTIFF**

**VERSUS**

**DYNAH KANGAI ALBERT (SUED AS AN ADMINISTRATRIX 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**

**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 11.10.2017, the parties presented to court a consent signed by their advocates which they asked the court to adopt as its order. The consent was in the following terms:

**CONSENT**

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

ii. Cost be in the cause.

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

4. All parties to fully comply with all procedural processes within 7 days of today including compliance with Order 11, CPR.

5. Directions to be taken 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 Applicant

Kijaru h/b Muriithi for the Respondent

**P.M. NJORGE**

**JUDGE**