

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO. 162 OF 2017

WILFRED MWIRIGI MUGAMBI.....PLAINTIFF

VERSUS

SIRIAKA GANTUKU MARKO.....DEFENDANT

RULING

1. The Notice of Motion dated 23rd June, 2017 seeks the following orders:-

1) Spent.

2) That the Court be pleased to issue inhibition orders preventing any dealings on the register of Parcel No. Abogeta/U-Kiringa/846 pending the hearing and determination of this application and suit.

3) Costs of this application be provided for.

2. The application is based on the ground:-

1) That the defendant entered into an agreement for the sale of an Acre out of the above suit land with the plaintiff and fully paid the consideration.

2) That the defendant never transferred the parcel to the plaintiff even after granting possession to the plaintiff.

3) That the defendant is evicting /forcefully removing the plaintiff from the suit land if inhibition is not placed the applicant stand to suffer irreparably.

3. There is also a Supporting Affidavit of the applicant (filed on 28:06:17) in essence, what applicant is stating is that there is a need to preserve the land by way of an inhibition. That way the Suitland will not fall in the hands of the 3rd parties.

The application was not opposed despite service having been effected. I find that the application is meritorious. Prayer 2 is allowed with no orders as to costs.

DELIVERED, SIGNED AND DATED IN OPEN COURT AT MERU THIS 4TH DAY OF OCTOBER, 2017 IN THE PRESENCE OF:

CA: Janet

Kaimenyi h/b for M.G Kaume for Plaintiff

Kithinji for defendant present

Hon. L.N. MBUGUA

ELC JUDGE