



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA MISCELLANEOUS APPLICATION NO. 06 OF 2017

FORMERLY MERU ELC MISC. APPLICATION NO. 99 OF 2016

PAULINE WANGUI WAWERU.....1ST APPLICANT

ROSE WANJIRU WAWERU.....2ND APPLICANT

VERSUS

PETER NJORO NJENGA.....1ST RESPONDENT

DISTRICT REGISTRAR OF LAND.....2ND RESPONDENT

RULING

1. This application is dated 14.12.2016 and seeks orders:

1.That this honourable court be pleased to order removal of caution in title No. MAGUMONI/MUKUUNI/529 lodged by the 1st Respondent Peter Njoro Njenga.

2. Cost of this application be borne by the Respondent.

2. The application has the following grounds:

a) That the 1st Respondent lodged the caution owing to the fact that there was a pending sale and / or transfer of the suit property between himself and the owner Waweru Kamau (now deceased).

b) That in the intervening period, the 1st respondent sold the suit property to one David Mugambi Nyamu herein who finalized everything with the 1st respondent and in turn introduced the applicant to the administrators of the estate of the late Waweru Kamau.

c) That the said David Mugambi Nyamu thereafter participated in the distribution of the deceased estate and has been given the subject property herein as a purchaser for value.

d) That the said parcel of land cannot be transferred to David Mugambi Nyamu in accordance with the confirmed grant unless the caution is removed.

e) That there is no other pending dispute and / or claim between the applicant and the 1st respondent and it's only fair that the caution be removed.

f) That the Land Registrar requires an order removing the caution to enable him execute the order.

3. On 21.11.2017, M/s Endoo, the applicants advocate, referred the court to two affidavits of service showing that today's hearing date had been served upon the respondents. They are not in court. I am satisfied that proper service had been effected upon them.

4. M/s Endoo asked the court to grant the prayers in the application.

5. Prayer 1 in the application that the caution placed against Title No. MAGUMONI/MUKUUNI/529 lodged by the 1st respondent be removed is granted. It is ordered that the caution be removed forthwith.

6. No costs are awarded.

7. It is so ordered.

Delivered in open court at Chuka this 21st day of November, 2017

in the presence of:

CA: Ndegwa

Endoo for the Applicant

P.M. NJOROGE

JUDGE