



**REPUBLIC OF KENYA**

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

**E&L NO 81 OF 2016**

**GULAM MOHAMMED NOOR.....PLAINTIF/APPLICANT**

**VERSUS**

**BAHADUL NOOR MOHAMED GULAM.....DEFENDANT/RESPONDENT**

**J U D G E M E N T**

1. In his Complaint dated 17th June, 2016, the Plaintiff prays for orders:-

***1. Cancellation of the Defendant as sole lessee of the suit plot and an order that the suit plot be reverted to the name of the deceased (Gulam Mohamed) for registration in accordance with the grant in High Court Meru Succession Cause No. 85 of 1997.***

***2. An Order of Inhibition barring the Land Registrar Meru to register any transactions and or dealings over the suit plot No. Meru Municipality/Block 11/107 save as ordered in Meru High Court Succession Cause No. 85/1997.***

***3. A permanent injunction restraining the Defendant, his agents, servants and representatives from evicting the Plaintiff from the suit plot, selling the same to third parties, disturbing the tenants thereon or in any other way interfering with the suit plot No. Meru Municipality/Block 11 /107.***

***4. Cost of the suit and interest thereon.***

2. Through an application dated 17th June, 2016 and filed under a Certificate of Urgency the Plaintiff on 22nd June, 2016, obtained the following orders:-

***1. THAT the application BE and IS HEREBY certified urgent.***

***2. THAT an order of inhibition BE and IS HEREBY issued restraining the Land Registrar Meru registering any transactions and or dealings in form of transfers, leases, mortgages, charges and or any other transactions whatsoever in the register of the suit plot herein L. NO. MERU MUNICIPALITY/BLOCK 11/107 for 14 days.***

***3. THAT the application be served upon the respondent for mention on 7th July, 2016 before the ELC Court in NYERI.***

***4. THAT costs be in the cause.***

3. The Plaintiff through the Firm of Ndubi Ondubi & Associates on 19/08/2016 filed a Notice of

withdrawal of the Suit. The Notice was dated 19th August, 2016.

4. On 05/09/2016, the Plaintiff's Advocate told the Court that the Plaintiff wished to withdraw the suit. He informed the Court that the Defendant was not opposed to the withdrawal of the suit.

5. Mr. Mutegi holding brief for Otieno C. for the Defendant told the Court that the Defendant was not opposed to the withdrawal of the suit save for an award of costs to him. He said that the Defendant was demanding agreed costs in the sum of Kshs. 150,000/=. He told the Court that if the Plaintiff was not agreeable to the suggested amount, he would file a bill of costs.

6. Mr. Ndubi, for the Plaintiff told the Court that the Defendant should be allowed to file his bill of costs.

7. I deem this suit to have been heard and settled through the Plaintiff's unconditional withdrawal of the same. Consequently the suit is marked as settled and the parties may not bring it back to Court.

8. Costs payable to the Defendant shall be assessed by this Court's Deputy Registrar.

9. It is so ordered.

**DELIVERED IN OPEN COURT AT MERU THIS 14TH DAY OF SEPTEMBER, 2016 IN THE PRESENCE OF:-**

cc:Lilian /Daniel

Miss Muna h/b Ndubi for Plaintiff

Kimathi h/b Otieno C. for the Defendant.

**P.M. NJOROGE**

**JUDGE**