



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Muriuki v Njeru (Environment & Land Case 3 of 2021)
[2023] KEELC 15920 (KLR) (20 February 2023) (Ruling)**

Neutral citation: [2023] KEELC 15920 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NANYUKI
ENVIRONMENT & LAND CASE 3 OF 2021
AK BOR, J
FEBRUARY 20, 2023**

BETWEEN

JOHN MURAGE MURIUKI PLAINTIFF

AND

ANN WANGU NJERU DEFENDANT

RULING

1. The defendant brought the application dated December 2, 2022 seeking to have the restriction, prohibition or inhibition placed against land reference number Nanyuki/South Timau Block 1/600 (Mia Moja) removed. She swore the affidavit in support of the application and explained that for purposes of compliance with the decree of this court, it was only fair that the prohibitory order be lifted. She explained that the prohibitory order had served its purpose since the court had already delivered its judgment.
2. The plaintiff opposed the application through the replying affidavit which he swore on December 13, 2022. He contended that this court was *functus officio* having rendered its decision on November 1, 2022. He also argued that the application lacked the necessary particulars for the court to evaluate and make a determination on it. He added that being dissatisfied with the court's decision, he had lodged an appeal and that lifting any prohibition registered against the suit property would give the defendant the leeway to sell the land before his appeal is heard.
3. The court granted the defendant leave on December 20, 2022 to file and serve a further affidavit for purposes of exhibiting the search done on the suit property. The defendant filed a further affidavit on February 10, 2023 to which she annexed the mutation forms and the search done on the suit land.
4. The search shows an inhibition to the effect that there were to be no dealings with the suit property and the status quo was to be maintained until Nyeri ELC Case No 258 of 2013 was heard and determined.



5. Nyeri ELC No 258 of 2013 was transferred to the Nanyuki Law Courts vide the order of July 27, 2021 and was subsequently registered as Nanyuki ELC No 3 of 2021. The case was heard and the court delivered its judgment on November 1, 2022. There are no orders for stay of execution in force.
6. The court allows the application. The land registrar is directed to remove the inhibition registered against the suit property since the suit has now been heard and determined.

DELIVERED VIRTUALLY AT NANYUKI THIS 20TH DAY OF FEBRUARY 2023.

K BOR

JUDGE

In the presence of: -

Ms N Simiyu holding brief for Mr D Ombongi for the plaintiff

Anna Wangu- the defendant in person

Stella Gakii - Court Assistant

