



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**LAND & ENVIRONMENTAL COURT**

**HCCC NO 1 OF 2014**

**FAST TRACK**

MARIAM M'IKIIGU.....1ST  
PLAINTIFF

EUNICE NKATHA M'IKIUGU.....2ND  
PLAINTIFF

VERSUS

DISTRICT LAND ADJUDICATION OFFICER, TIGANIA WEST/EAST DISTRICT.....1ST  
DEFENDANT

HON. ATTORNEY GENERAL .....2ND  
DEFENDANT

**R U L I N G**

1. This application is dated 15th March, 2016. It is predicated upon Order 51, Order 40 Rules 1,2 and 3 of the Civil Procedure Rules and Sections 100, 3A & 3 of the Civil Procedure Act. It seeks the following orders:-

*(a) That this application be heard and dispensed with at first instance.*

*(b) That the decree dated 17th December, 2014 be amended to include the adjudication section, namely Kianjai Adjudication section.*

*(c) That the Director of Land Adjudication and Settlement and the Surveyor incharge of Tigania West District in Meru County be ordered to forthwith implement the decree dated 17th December, 2014 herein.*

*(d) That the costs of this application be borne by the respondent .*

2. The application is supported by the affidavit of Henry Karauka dated 15th March, 2016 and has the following grounds:-

*(1) On 17th December, 2014, a consent judgment was entered herein granting the Applicants their prayers in the Plaint.*

***(2) Consequently, a decree was extracted on 19th March, 2015 and duly served on the Respondents herein.***

***(3) However upon service upon the Director of Land Adjudication and Settlement , he advised that the decree be amended to include the Adjudication Section and the Surveyor incharge of Tigania West District in Meru County.***

***(4) The Plaintiff's claim for the reliefs against the Defendants was granted thereof.***

***(5) Unless this application is immediately heard and determined, the Applicants will suffer irreparable loss and damage.***

3. Mr. Kurauka for the applicant has told the Court that the application merits being allowed as it merely seeks to implement a Judgment of this Court delivered on 17th December, 2014. I agree.

4. I allow the application in terms of prayer C with the effect: “ THAT the Director of Land Adjudication and Settlement and the Surveyor in charge of Tigania West District in Meru County is ordered to forthwith implement the decree dated 17th December, 2014.

5. I grant no order as to costs.

6. It is so ordered.

**DELIVERED IN OPEN COURT AT MERU THIS 26<sup>TH</sup> DAY OF JULY, 2016 IN THE PRESENCE OF:-**

**CC: Daniel/Lilian**

**Kiongo for the Respondent**

**P.M. NJOROGE**

**JUDGE**