



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENT AND LAND SUIT NO. 131 OF 2014

BERTHA MWARI KIMATHI.....1ST PLAINTIFF/APPLICANT

ELIZABETH NCHORO M'RUKARIA.....2ND PLAINTIFF/APPLICANT

JULIA MAREGI MUKETHA.....3RD PLAINTIFF/APPLICANT

ALICE NTHIORI M'MARETE.....4TH PLAINTIFF/APPLICANT

JOSEPH KITHURE5TH PLAINTIFF/APPLICANT

MARGARET KARWITHA MUTHAURA.....6TH PLAINTIFF/APPLICANT

MARTIN KINYUA7TH PLAINTIFF/APPLICANT

HELLEN MUGURE.....8TH PLAINTIFF/APPLICANT

VERSUS

SILAS MAINGI M'MUTHAURA.....DEFENDANT/RESPONDENT

R U L I N G

1. This application is dated 13th December, 2016 and prays for orders:-

(1) That this Honourable Court be pleased to certify this application urgent and same be heard on priority basis.

(2) That this Honourable Court be pleased to dispense with the original title deed held by the defendant and empower the Executive Officer Meru Law Court to execute all necessary instruments in facilitation of subdivision and transfer to parcels to be exercised from Kiirua/Nkando/537 in the name of each of the Plaintiffs /applicants as read in the judgment herein dated 30th September, 2014 and direct the Land Registrar within the jurisdiction of parcel No. Kiirua/Nkando/537 to implement the Honourable Court's Judgment.

(3) Cost of this application be borne by the respondent/defendant.

2. The application is supported by the affidavit of BERTHA MWARI KIMATHI and has the following grounds:-

(1) THAT this honourable Court made its judgment on 30th September, 2014 by way of consent of parties.

(2) THAT now the defendant Silas Maingi M'Muthaura has refused, declined and or failed to sign and or execute the Honourable Court's judgment by subdividing, transferring and or surrender of original title in parcel No. Kiirua/Nkando/537 for the purpose of subdivision, transfer and or other related purposes to enable parcel No. Kiirua/Nkando/537 be apportioned to the Plaintiffs in obedience and compliance of this Honourable Court Judgment.

(3) THAT the defendant has sold part of the suit land to other people not parties herein and thus may dispose the entire land to defeat this Honourable Court's judgment.

(4) THAT now this application needs be heard and disposed urgently, to compel and stop the defendant from alienation of the suitland .

(5) That this Honourable Court be pleased to dispense with the original title deed held by the defendant and empower the Executive Officer Meru Law Courts to execute all necessary instruments in facilitation of subdivision and transfer of parcels to be exercised from Kiirua/Nkando/537 in the name of each of the Plaintiffs/ applicants as read in the judgment dated 30th September, 2014 and direct the land registrar within the jurisdiction of parcel no Kiirua/Nkando/537 to implement the Honourable Court's Judgment.

3. On 21/12/2016 , the applicant told the Court that she sought prayer 2 to facilitate in the implementation of this Court's judgment delivered on 30/09/2014.

4. I find that the application has merit .

5. Prayer 2 is granted.

6. No costs are awarded.

7. It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 21ST DAY OF DECEMBER, 2016 IN THE PRESENCE OF:-

C:A Daniel/James

Bertha Mwari Kimathi -1st Plaintiff

Elizabeth Nchoro -2nd Plaintiff

Alice Nthiori -4th Plaintiff.

P.M NJOROGE

JUDGE