



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERICHO

CIVIL CASE NO.124 OF 2004 (O.S)

KIPKOECH ARAP LANGAT.....1ST PLAINTIFF

RICHARD KIPNG'ENO MUTAI.....2ND PLAINTIFF

VERSUS

KIPNG'ENO ARAP LABOSO.....DEFENDANT

RULING

(Application to have Deputy Registrar execute forms to transfer land to the plaintiffs; plaintiffs having succeeded in their claim for adverse possession; defendant refusing to sign the requisite transfer forms; application allowed with costs)

The application before me is that dated 15 September 2014. It seeks the following orders :-

(i) That the Deputy Registrar Kericho High Court do execute the transfer forms, the application for consent of the Land Control Board and any other or further document as may be required to effect a valid transfer of land parcel Kericho/Kapsimbiri/527 in favour of the plaintiffs in compliance with the judgment and decree of this Honourable Court.

(ii) That costs of the application be provided for.

The plaintiffs instituted this suit claiming to have acquired title by way of adverse possession, to the land parcel Kericho/Kapsimbiri/527 (the suit land). Judgment was entered in their favour on 17 February 2011 and the court decreed inter alia that the name of the defendant be deleted as proprietor of the suit land, and the plaintiffs be registered as joint proprietors in place of the defendant. That decree still stands.

In this application, the plaintiffs have averred that the defendant has failed to execute the requisite transfer forms and application for consent of the Land Control Board. That is the reason they have sought orders to have the Deputy Registrar execute the said forms.

The defendant has not filed anything to oppose the application. The decree of the court has to be effected, and on my part, I see no reason why I should not allow the application.

The application is hereby allowed with costs. I direct the Deputy Registrar to execute all requisite forms to have the land transferred to the plaintiffs as decreed.

It is so ordered.

Dated, signed and delivered in open court this 29th day of January, 2015

MUNYAO SILA

JUDGE,

ENVIRONMENT AND LAND COURT

In the presence of

Miss Adisa for the Applicant

No appearance for M/s Mitey & Associate Advocates for the Respondent

Lilian- court assistant