

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

HCC 77 OF 2004

DANIEL MUTHURI.....1ST PLAINTIFF

BENSON KINOTI.....2ND PLAINTIFF

VERSUS

M'IKIARA KARIGI.....DEFENDANT

R U L I N G

The application herein was filed on behalf of the plaintiff on 30th July, 2013.

It seeks implementation of the orders of the Court's judgement delivered on 4th July, 2013.

The plaintiff has prayed that the prayers in the application be granted. On the other hand the defendant has submitted that he forwarded the title deeds to the Registrar of Lands on 27th January, 2014. For that reason the defendant has urged that the application be dismissed.

I have considered the submissions by the two sides. If the defendant has indeed forwarded the title deeds to the Registrar, this action will hasten the implementation of the Orders of this Court.

I, therefore, order as follows:

1. The executive officer of this honourable Court is empowered and authorised to execute the necessary documents for amalgamation of Land parcel Nos. **ABOTHUGUCHI/KITHURE/2582, 2553 and 2584** and thereafter sub-division and transfer thereof in implementation of this Court's orders.
2. If the title deeds to parcel Nos. **ABOTHUGUCHI/KITHURE/2582, 2553 and 2584** have not been forwarded to the Land Registrar as claimed by the defendant, he is ordered to surrender them to the executive officer of this Court for purposes of implementing the orders contained in this Court's judgement delivered on 4.7.2013 failing which the Land Registrar should dispense with their production by the defendant.

Costs are awarded to the plaintiff.

Delivered, dated and Signed in Open Court at Meru this 24th day of February, 2014 in the presence of:

Cc. Mwonjaru

Ringera for plaintiff

Thibaru for defendant

P. M. NJOROGE

JUDGE