

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CIVIL SUIT NO.259 OF 2009

JANE WANJIRU KIARIE..... 1ST APPLICANT

ESTHER NJOKI KIARIE..... 2ND APPLICANT

VERSUS

MARIA WANJIKU..... 1ST RESPONDENT

ISAAC KIARIE2ND RESPONDENT

RULING

The application dated 08/05/2014 seeks for orders to issue to the Deputy Registrar of the High Court to sign the transfer forms and any other document as to enable the 1st and 2nd applicants obtain Title for their 1 acre each from LR NYANDARUA OLARANGWAI/1980 as decreal by the court on 28th July 2008.

The court awarded the applicant an acre each from the aforementioned parcel which is registered in the name of the 1st respondent (their step-mother). The 1st respondent has refused to sign the transfer documents in favour of the applicants thus making it impossible for the judgment to be enforced.

In the supporting affidavit sworn by JANE WANJIKU KIARIE (1st applicant), she deposes that the 1st respondent has refused to meet the surveyors costs, which the applicants met, out of desperation to get their portion. The 1st respondent has sworn never to sign any transfers in favour of her step children.

There is no response to the application. I have perused the court record and confirm there is no application filed staying execution of the decree nor is there anything to suggest that an appeal was filed against the judgment. I have also read through the judgment and I confirm that applicants are entitled to the orders they seek. Consequently the application dated 8th May 2014 is merited and is allowed. The Deputy Registrar High Court, Nakuru do sign the transfer forms and any other documents required to enable the applicants obtain title for their 1 acre each From **LR NYANDARUA OLARANGWAI/1980**.

Costs of this application shall be borne by the respondents.

Delivered and dated this 1st day of August, 2014 at Nakuru.

H.A. OMONDI

JUDGE