

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

HCCA NO. 62 OF 1998

GERALD MWITHIA.....APPELLANT

VERSUS

STANLEY GITONGA.....RESPONDENT

RULING

This application dated 26th August, 2013 seeks orders:

1. **THAT this Application be certified as urgent and be heard on priority basis.**
2. **THAT this Honourable Court do order that District Land Adjudication Officer and the Demarcation Officer Kianjai Adjudication Section do rectify their records and reinstate Land Parcel No. 447 KIANJAI ADJUDICATION SECTION measuring 7 acres to the name of the Respondent/Applicant herein STANLEY GITONGA M'ITIMITU as per the judgment of the Court of Appeal at Nyeri in Civil Appeal No. 297 of 2010 STANLEY GITONGA VERSUS GERALD MWITHIA.**
3. **THAT the Respondent herein GERALD MWITHIA be ordered to vacate Parcel No. 447 KIANJAI ADJUDICATION SECTION and in default to be forcibly evicted.**
4. **THAT the O.C.S. Ngundune Police Station be directed to provide security to the Land Adjudication Officers in order to implement the Judgment of the Court of Appeal and to show the parties their respective boundaries.**
5. **THAT the costs of this Application be provided for.**

The Respondent raised an objection that the application was improperly before the court as it was filed by a firm not on record for the applicant.

During Inter Partes hearing, the applicant withdrew the application.

Consequently, the application is dismissed with costs to the respondent.

Delivered in Open Court this 24th day of September, 2013 in the presence of:

Cc. Mwonjaru

Murithi h/b Kiambi for applicant

Kiautha Arithi for respondent

P. M. NJOROGE

JUDGE