



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**CIVIL SUIT 17 OF 2011**

**JUSTINE MUTEGI NATHAN.....PLAINTIFF**

**VERSUS**

**MURANGIRI NGERA.....DEFENDANT**

**RULING**

The application is a Notice of Motion dated 26<sup>th</sup> June 2012. It has been brought under SSIA, I, 3A, 63C and E of CPA and Order 51 Rule 1 & 2 of CPR and Articles 10(2)(b); 159 (2) (a) (b) & (d) of the constitution.

It seeks an order that :-

**1.That court do authorize Executive Officer of the court to sign all relevant documents to enable the sub division of parcel No. MAGUMONI/THUITA/267 and transfer of 3 acres occupied by the Applicant in accordance with court judgement herein.**

**2.That the costs be provided for.**

It is premised on one ground:-

**1.Court ordered applicant to get 3 acres from subject herein and Respondent have refused to facilitate the subdivision and transfer.**

The application is supported by an affidavit sworn by the applicant of even date.

This application is unopposed. I have confirmed from the record that an 3<sup>rd</sup> January 2009 the learned Kasango, J. entered judgment in favour of the applicant to the effect he has acquired parcel No.MAGUMONI/THUITA/263, three acres thereof by adverse possession. This application seeks to execute the said court judgment.

There is nothing to show that an appeal was lodged against the judgment aforementioned, neither has their been any order to set it aside, varying or reviewing same.

I therefore grant the prayer sought by the applicant in terms of prayers i as prayed:-

1. That the court authorizes the Executive Officer of the court to sign all relevant documents to enable the sub division of land parcel No. MAGUMONI/THUITA/267 and transfer of 3 acres occupied by the Applicant in accordance with court judgement of 3<sup>rd</sup> January 2009.

2. Costs be in the cause.

Dated, signed and delivered this 31<sup>st</sup> day of July 2012

**LESIT, J**  
**JUDGE**