



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT KERICHO

CIVIL SUIT NO. 32 OF 1996

KIPLANGAT ARAP BARTA.....PLAINTIFF

VERSUS

SARAH CHESIELE BARTA..... DEFENDANT

RULING

The Applicant, **KIPLANGAT BARTA**, seeks in his application dated 31st August, 2010 an order that the Deputy Registrar of this court do sign the Mutation forms and the Transfer of land parcel **NO. L.R. KERICHO/KIMULOT/514** in place and/or on behalf of the Defendant, **SARAH CHESIELE BARTA**, who has refused to sign.

I have perused the application and the affidavit in support thereof sworn on 19th November, 2010 by the Applicant. I have also duly considered the submission of **Mr. Chelule**, the learned counsel for the Applicant.

It is plain to see that in the award of the arbitrator (**Mrs. A. C. Bett**) dated 30th May, 2001 which was adopted as a judgment of this court, the Applicant was awarded 5.4 hectares of the land comprised in land title No. **KERICHO/KIMULOT/514**. This is the portion the Respondent is obligated to transfer to the Applicant. As he has refused to do so, I allow the Applicant's application dated 31st August, 2010 and order that the Deputy Registrar shall sign Mutation forms and Transfer instrument to have subdivided land title **No. L.R. KERICHO/KIMULOT/514** into two portions of 5.4 hectares each and do transfer one portion of 5.4 hectares to the Applicant, **KIPLANGAT ARAP BARTA**.

The costs of this application shall be borne by the Respondent who has rendered this application necessary.

DATED at KERICHO this 23rd day of February, 2011

G.B.M. KARIUKI, sc
RESIDENT JUDGE

Advocates

Mr. Chelule Advocate for the Applicant

No appearance by Advocate Motanya for the Respondent

Court Clerk – Mr. Koech