



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (NAIROBI LAW COURTS)**

**Civil Case 584 of 2008**

**MAGDALENE NJOKI MUIRURI .....PLAINTIFF**

**V E R S U S**

**RAMESH JADAVJI RAITHATHA .....DEFENDANT**

**J U D G M E N T**

The Defendant was served with the originating summons but did not respond. The Plaintiff gave evidence which was not controverted. She told court through her affidavit that she entered into agreement with the Defendant on 9<sup>th</sup> December, 1986 in which she bought flat No. 6 being  $\frac{1}{12}$ <sup>th</sup> undivided share standing and erected on L. R. 1870/IV/48 Nairobi which is registered at Land Titles Registry at Nairobi as number L.R. 36203/21 in the name of the Defendant at KShs. 385,000/= which she fully paid. She annexed the agreement as “MNMI” and payments as “MNM2”. The Plaintiff was put in possession in 1986 where she has been since. The Defendant failed to transfer the property to her. She pays all charges relating to the plot. She sought an order to be registered in as proprietor of the plot, and that the deputy registrar be authorized to sign all the necessary documents on behalf of the Defendant who has been missing. The orders shall be granted together with costs.

Dated and signed at Nairobi this 17th day of March, 2010

**O. MUCHELULE**

**J U D G E**