

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NYERI**

Civil Case 367 of 1993

EDWARD MUTHEE GITIMU.....PLAINTIFF

Versus

JOSEPH MATHENGE GITIMU.....DEFENDANT

FINAL JUDGMENT

This court after hearing the plaintiff's case delivered a judgment dated 20th July 2007. By that court's judgment a preliminary decree was issued in favour of the plaintiff to the effect that the defendant held half of the property No. **MAGUTU/GAIKUYU/326** in trust for the plaintiff. The court however declined to give final judgment until the plaintiff brought before court by affidavit evidence to show that the charge by Agricultural Finance Corporation (AFC) has been discharged. The plaintiff filed an affidavit in this case on 12th May 2008. The plaintiff confirmed that AFC had issued a discharge of charge. The same was annexed to the affidavit. In view of that there is now no impediment in granting the final judgment prayed for by the plaintiff. The final judgment of this court is:-

- 1. *The court does order the termination of the defendant's trust over the property MAGUTU/GAIKUYU/326.***
- 2. *The court orders that the plaintiff be registered as proprietor of 2.3 acres of property MAGUTU/GAIKUYU/326. The defendant shall remain with the balance of 2.3 acres of that property MAGUTU/GAIKUYU/326.***
- 3. *The court orders that such registration in No. 2 above be carried out without the necessity of the original title being presented to the Land Registrar of property MAGUTU/GAIKUYU/326.***
- 4. *The plaintiff is awarded costs of this suit.***

DATED AND DELIVERED THIS 30TH DAY OF JULY 2008

MARY KASANGO

JUDGE