



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

Civil Case 189 of 2003

1. Land and Environmental Law Division

2. Subject of main suit: Land

LR12948/272

Mountain view estate, Nairobi

3. Finalized case by way of consent (Ojwang J 3.5.06)

a) Within consent default clause granted Aluoch J 1.11.06

i) Ruling I: Out lines facts extension of time to comply with default clause (Ang'awa J 22.5.07)

ii) Ruling II defendant prays for stay of execution application rejected Ang'awa J (10.7.07)

iii) Ruling III leave to have deputy registrar sign requisite transfer documents.

Held – defendant be served personally

4. Further order of court from Ruling III

i) Should the registrar sign the transfer forms that defendant has refused to sign?

5. Held

Order: Registrar to sign the requisite transfer forms.

6. Case law

a) Archbishop Raphael Stephen Ndingi Mwana A'nzeki & Others v Nelson Muguku & Others
Hccc189/03 – Ruling No.1. 22 May 2007

b) Archbishop Raphael Stephen Ndingi Mwana A'nzeki & Others v Nelson Muguku & Others
Hccc189/03 Ruling No.2 10 July 2007

c) Archbishop Raphael Stephen Ndingi Mwana Anzeki & Others v Nelson Muguku & Others, Hccc

d) Archbishop Raphael Stephen Ndingi Mwana An'zeki & Others v Nelson Muguku, Hccc 189/07- Ruling No.4 26 September 2007

ARCH BISHOP RAPHAEL STEPHEN

NDINGI MWANA A'NZEKI1ST PLAINTIFF

PALEN D'SOUZA2ND PLAINTIFF

LAWRENCE NJOROGE the registered trustees of

THE ARCH DIOCESE OF NAIROBI 3RD PLAINTIFF

VERSUS

NELSON MUGUKU1ST DEFENANT

THE HONOURABLE ATTORNEY GENRAL

On behalf of THE COMMISSIONER OF LANDS...2ND DEFENDANT

RULING 4

1: Application dated 19 July 2007 seeking leave to have the Registrar of the High Court of Kenya sign transfer documents to land.

1. The background of this matter is contained in three rulings of this court dated the 22 May 2007, 10 July 2007 and 31 July 2007.

2. This is a finalized suit. The plaintiff has brought this application of 19 July 2007 stating that the defendant had refused to sign transfer forms of land as ordered by this court.

3. During the hearing of the said application the defendant stated through his advocate that he requires to be served personally. This has now been done.

II: Orders of court

4. That the Registrar of the High Court of Kenya do sign transfer forms for land parcel L.R. Number 12948/272 (IR 47605) from Nelson Muguku of

P.O. Box 70 Kikuyu to the Archdiocese of Nairobi, Kenya registered Trustees of P.O. Box 23405, Nairobi forthwith.

5. That the costs of this application be pad by the defendant to the plaintiff/applicant.

Dated this 26th day of September 2007 at Nairobi.

M.A. ANG'AWA

JUDGE

T. Makori of Enonda Makoloo, Makori & Co. Advocates for the defendant/applicant – present/absent

M. Juma of Wanyoike of Wanyoike Juma & Co. Advocates for the plaintiff/respondent