



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**Civil Suit 64 of 1986**

**MAINGI MUNYOKI..... PLAINTIFF**

**VERSUS**

**REBECCA CIARANJA..... DEFENDANT**

**Directions by court:**

**ORDER**

1. This suit was filed on 5.6.1986 by M’Imaingi M’anjoki against Rebecca Ciaranja and in the suit, the Plaintiff sought eviction of the Defendant from land comprised in “**folio No. 3236 Uringu Sub location.**” The Defendant filed a statement of defence on 19.6.1986 and denied that the “**unspecified suit land**” belonged to the plaintiff and sought dismissal of the suit.
2. By an Application dated 15.6.1987 the Plaintiff sought vacant possession of the land and that the Executive Officer of the court do sign all necessary documents to effect transfer of the land which was still referred to as “**Land Folio No.3236/Uringu Location**”.
3. I have also seen a Decree on 10.9.1987 showing that on 29.4.1987, Tank J. heard the suit and delivered Judgment on 30.6.1987. The final order was that “**Land comprised in folio number 3236 Uringu Location part two**” be transferred to the Plaintiff and that the Defendant do vacate the aforesaid land and also pay costs to the Plaintiff.
4. On 30.6.1987 the Judge also granted orders that the Executive Officer of court do sign the necessary documents to effect transfer of the land as per the decree aforesaid.
5. On 25.7.1996 the Plaintiff applied for orders that the District Officer, Tigania Division be authorized, commanded and empowered to use force to evict the Defendant from the suit land. On 1.4.1997 a Warrant was issued to effect those orders which were granted pursuant to that Application on 20.3.1997.
6. On 2.7.1997, the Defendant filed an Application for stay of execution of the warrants aforesaid and for review of the orders of 20.3.1997 and for an injunction to restrain the Plaintiff from interfering with her user of the land. By then, and prior to that, on 23.7.1996 Etyang J. allowed one Julius M’Ikunyua to become the personal representative of the Plaintiff and to sign all necessary documents on behalf of the Plaintiff. Apparently this was because the Plaintiff had died on an unclear date.
7. On 2.7.1997 in any event, S. Wamwayi Deputy Registrar granted temporary stay of the orders of 20.3.1997 and confirmed the temporary orders on 16.7.1997.

8. By an Application dated 22.11.1999 and filed on 23.11.1999 the Plaintiff then applied for those orders to be reviewed Miss Mwangi Advocate entered the fray as advocate for the Defendant on 18.10.2000 and fixed the “**matter**” for hearing on 18.10.2000 and subsequently attempted to do so on five (5) other occasions but without much success.

9. I should pause here, back track, and note that on 8.2.2000 when parties appeared before Omwitsa Esq, Commissioner of Assize, the Application dated 22.11.1999 and filed on 23.11.1999 was to be heard but was taken out. The same was the case on 12.4.2000 before Kuloba, J. and before Osiemo, J on 11.5.2000 and on 6.6.2000 and before Omwitsa Esq. C.A. on 18.10.2000 as well as on 14.11.2000 when an Application dated 5.1.1998 was argued. That Application, I note was filed by the Plaintiff as an amendment to the one dated 22.11.1999 and filed on 23.11.1999. The Application was dismissed with costs to the Defendant on 6.2.2001.

10. On 15.5.2002 parties appeared before Mulwa J. and again confusion arose as to whether the suit had been finalized or not Mulwa J. sent parties away and asked them “**to sort themselves out.**”

11. On 19.1.2006 the same confusion was presented to Sitati J. who ordered that the proceedings be typed for parties to determine which way to go. Proceedings were typed and on 9.3.2006 I granted parties time to look at the proceedings but on 5.7.2006 the parties were still unsure as to what remained to be done in this case. I decided to peruse the record and give direction to this 20 year old matter.

12. I have set out the events leading parties to where they are now. My conclusion from all these matters is that;

- (i) the suit is concluded and in favour of the Plaintiff.
- (ii) The Deputy Registrar granted orders of temporary stay of the order of eviction of the Defendant on 2.7.1997 and confirmed those orders on 16.7.1997.

That is where the matter is as of today and parties should now determine how to proceed from there. As it is, there is nothing substantive pending to be heard.

13. It is so directed.

**I. LENAOLA,**

**JUDGE**

7.7.2006