



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT
AT NAROK

ELC CAUSE NO. 68 OF 2017

FORMERLY ELC CAUSE NO. 478 OF 2013

TILAL OLE KAURA.....1ST PLAINTIFF

JAMES NAIRUKO.....2ND PLAINTIFF

TUMPES TAMPASH.....3RD PLAINTIFF

MBARTAN GROUP RANCH.....4TH PLAINTIFF

-VERSUS-

BARTAN KAURA.....1ST DEFENDANT

PAUL MUNTET.....2ND DEFENDANT

DANIEL SURURU.....3RD DEFENDANT

BARKITABU GROUP RANCH.....4TH DEFENDANT

RULING

Introduction

What is before me is a Notice of Motion dated 6th February, 2019 filed under a Certificate of Urgency. The Application is Supported by the Affidavit of Bartan Kaura sworn on 6th February, 2019.

The Application is praying for the following Orders: -

1. That service of this application upon the Plaintiff's/Respondents be dispensed with in the first instance.
2. That the Honourable Court do authorize the Deputy Registrar of this Honourable court to execute mutation forms for purposes of implementing the Decree of this Honourable Court.

Applicant's Case

The Applicant avers that the judgement delivered on 20th December, 2018 by this court ordered as below: -

- i) That a declaration is hereby issued that the 4th Plaintiff is the owner of land known as CIS Mara/Siana''A''/129 and that the 3rd Defendant is the owner of that parcel of land known as CIS Mara/Siana''A''/127.
- ii) That an Order is hereby issued to the District Land Registrar Narok and Surveyor to amend within 90 days so that each parcel of land be accorded its parcel number to the ground position and RIM.

Issue for Determination.

The issue for determination at this stage is whether the Applicant is entitled to the Orders sought.

On 2/12/2019, I directed that leave be granted to the respondent to file and serve their replying affidavit within 14 days, and corresponding leave to the applicant to file and serve supplementary affidavit if any within 7 days of service of the respondents. The application be disposed off by way of written submissions. The applicant to file and serve his submissions within 14 days of service of the respondents replying affidavit. The respondents to have 7 days thereafter to file the applicant's submissions.

I do note that the Respondents in this matter have not filed any Response nor written Submissions. The Applicant has also not filed any written Submissions.

I also note that this is a fairly old matter where the prayers are only for rectification of the Title deeds to reflect the owners/proprietors as per the Decree issued by this court on 20th December, 2018 and I therefore allow the Application as prayed with no orders as to costs.

GIVEN UNDER MY HAND AND THE SEAL OF THIS HONOURABLE COURT THIS 18TH DAY OF MARCH, 2021

MOHAMED N. KULLOW

JUDGE

18/3/2021

In the presence of:-

CA:Chuma

Parties and advocates: absent

MOHAMED N. KULLOW

JUDGE

18/3/2021