



**Wanjala v Ogumba & another (Environment & Land Case
E015 of 2020) [2024] KEELC 5197 (KLR) (11 July 2024) (Ruling)**

Neutral citation: [2024] KEELC 5197 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT BUSIA
ENVIRONMENT & LAND CASE E015 OF 2020**

BN OLAO, J

JULY 11, 2024

BETWEEN

MARY NYONGESA WANJALA PLAINTIFF

AND

PATRICK OKWARO OGUMBA 1ST DEFENDANT

FREDRICK B OKWARO 2ND DEFENDANT

RULING

1. The dispute between Mary Nyongesa Wanjala (the Plaintiff) and Patrick Okwaro Ogumba and Fredrick Bwire Okwaro (the 1st and 2nd Defendants respectively) over the land parcel No Samia/Bururi/179 (the suit land) was determined via a judgment delivered by Omollo J on 15th December 2022 in which the Judge found that the Plaintiff had acquired the suit land by way of adverse possession. A decree followed. The Defendants did not appeal that judgment.
2. I now have the application dated 12th August 2023 by the Plaintiff herein premised under the provisions of Section 3A of the *Civil Procedure Act*. It is also supported by her affidavit of even date.
3. The gist of the application is that following the judgment herein, the Defendants have declined to sign transfer documents to facilitate the registration of the suit land in his name.
4. The Plaintiff therefore seeks the following orders:
 1. That the Deputy Registrar of this Honourable Court do append signature on behalf of the Defendants.
 2. That costs of the application be provided for.
5. Though served with the application, the Defendants did not file any response thereto.



6. I have considered the application, unopposed as it is. It is not disputed that the Plaintiff has a judgment in her favour to the effect that she has acquired the suit land by way of adverse possession. This Court has been informed without rebuttal, that the Defendants have refused to append their signatures to the transfer forms to facilitate the transfer of the suit land into the name of the Plaintiff. The judgment has not been appealed. Unless the suit land is transferred into the names of the Plaintiff as decreed, that judgment will remain hollow and of no effect. The prayer that the Deputy Registrar of this Court signs those documents on behalf of the Defendants is well merited. I allow it. As no reply was filed by the Defendants, there shall be no order as to costs.
7. Ultimately therefore, and having considered the Notice of Motion dated 17.8.2023, I make the following orders:
 1. The Defendants shall within 14 days of service upon them of this order sign all the relevant documents to facilitate the transfer of the suit land parcel No Samia/Bururi/179 in the names of the Plaintiff.
 2. In default of (1) above, that Deputy Registrar of this Court shall, upon request, sign all such documents on behalf of the Defendants.
 3. No orders as to costs.

BOAZ N. OLAO

JUDGE

11TH JULY 2024

RULING, DATED, SIGNED AND DELIVERED BY WAY OF ELECTRONIC MAIL ON THIS 11TH DAY OF JULY 2024.

BOAZ N. OLAO

JUDGE

11TH JULY 2024

