



**Matasi v Ngeresa & another (Environment & Land Case
E024 of 2022) [2023] KEELC 17307 (KLR) (4 May 2023) (Ruling)**

Neutral citation: [2023] KEELC 17307 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT BUNGOMA
ENVIRONMENT & LAND CASE E024 OF 2022**

EC CHERONO, J

MAY 4, 2023

BETWEEN

WEBAKALA MAURICE MATASI APPLICANT

AND

WILLIAM ONKWONI NGERESA 1ST RESPONDENT

JOSEPH WEKESA OSORE 2ND RESPONDENT

RULING

1. Before me for determination is the *ex-parte* Notice of Motion application dated 22nd December, 2022 in which the applicant is seeking the following orders: -
 1. (Spent)
 2. (Spent)
 3. That this Honourable Court be pleased to order for Implementation of the vesting order issued to the applicant on 25th January, 2000 by directing the County Land Registrar Bungoma to dispense with a requirement of the original land Title Deed in respect of L.R.No. Bokoli/misikhu/560.
 4. Costs of this application be provided for.
2. The said application is supported by the affidavit of the Applicant sworn on earlier date and grounds apparent on the face of the said application deposed that the High Court vide Bungoma HCCC Bo (9 of 1995) (O.S) and formerly Kakamega HCCC NO 18 of 1994 (O.S) the court issued him a vesting order comprised in land title No Bokoli/Misiku/560 measuring 9 acres.
3. He further stated that despite this Honourable court signing all the transfer forms in his favour and paying all the requisite fees including the stamp duty and registration fees, the Land Registrar Bungoma



proceeded and prepared a Land Title Deed in his favour but insisted that he first surrender the original title deed for the suit land before the new title deed is issued in his name.

4. He attached copies of the vesting order, copy of the transfer form receipt and bank slips for fees including the stamp duty and Registration fees as well as a copy of unsigned title deed. I am satisfied that there is a valid vesting order issued by the High court of Kenya at Bungoma in HCCC NO 19 of 1995 (formerly HCCC NO 18 of 1994) (O.S) which has not been implemented. Court orders and not issued by the courts in vain. I have seen the attached copies of the documents in support of the said vesting order.
5. Having considered all the materials placed before me, I find the application dated 22nd December 2022 merited and the same is hereby allowed as follows: -
 1. The County and Registrar Bungoma County is directed to dispense with the production of the Original Land Title Deed in respect of LR No Bokoli/Misikhu/560.
 2. The Applicant to bear his own costs of the application.

READ SIGNED AND DELIVERED IN THE OPEN COURT AT BUNGOMA THIS 4TH DAY OF MAY, 2023.

HON. E.C. CHERONO

ELC JUDGE

In the presence of

- 1. Applicant /Advocate absent**
- 2. Respondent/Advocate absent**
- 3. C/A Joy**

