

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT MERU

ELC CASE NO. 311 OF 2013 (OS)

ANDREW MUNGATIA ANJURI.....1ST APPLICANT/PLAINTIFF

SILAS KAMATHI AYUB.....2ND APPLICANT/PLAINTIFF

PETER NTURIBI.....3RD APPLICANT/PLAINTIFF

VERSUS

KIRIMA GIDEON RINGERA.....RESPONDENT/DEFENDANT

RULING

1. Before me is a notice of motion dated 19/01/2021 brought pursuant to provisions of Section 1A, 1B, 3, 3A of the Civil Procedure Act and Section 31 of the Land Registration Act. The applicant is seeking an order directing the Land Registrar, Meru to dispense with the production of the title deed in respect of Land parcel No. NYAKI/GIAKI/865 for the purposes of registration of mutation forms, transfer forms and other attendant instruments in favor of the Applicants/plaintiffs.

2. The application is based on the grounds on the face of it and on the supporting affidavit of **Andrew Mungatia Anjuri** who avers that they had instituted a suit claiming Land parcel No. NYAKI/GIAKI/865 by way of adverse possession where judgment was delivered on 25th April 2018 in their favor.

3. That this court ordered the defendant/respondent to execute all requisite documents to facilitate transfer of the said land and in default the Deputy Registrar to do so. However the defendant/respondent has refused to execute the transfer documents and has also refused to surrender the original title deed to the suit land.

4. The application is unopposed.

5. I have carefully perused the application, the affidavit and the supporting documents attached and I do opine that a party must be allowed to enjoy the fruits of his judgment. The orders sought are geared towards effectuating the judgment of the court. In the circumstances, the application dated 19.1.2021 is allowed but with no orders as to costs.

DATED, SIGNED AND DELIVERED AT MERU THIS 14TH DAY OF APRIL, 2021

HON. LUCY. N. MBUGUA

ELC JUDGE

ORDER

The date of delivery of this Ruling was given to the advocates for the parties through a virtual session via Microsoft teams on 8.3.2021. In light of the declaration of measures restricting court operations due to the *COVID-19 pandemic* and following the practice directions issued by his Lordship, the Chief Justice dated 17th March, 2020 and published in the Kenya Gazette of 17th April 2020 as Gazette Notice no.3137, this Ruling has been delivered to the parties by electronic mail. They are deemed to have waived compliance with order 21 rule 1 of the **Civil Procedure Rules** which requires that all judgments and rulings be pronounced in open court.

HON. LUCY N. MBUGUA

ELC JUDGE