



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT MERU**

**ELC APPEAL NO. 227 OF 2013**

**JADIEL KAROGO M'ITHIANO ..... APPELLANT/RESPONDENT**

**VERSUS**

**JULIA MUGITO .....RESPONDENT/APPLICANT**

**RULING**

1. Before me is a notice of motion dated 2<sup>nd</sup> March, 2020 brought pursuant to Order 45 Rule 1 and Order 51 Rule 1 of the Civil Procedure Rules and Section 1A, 1B & 3A of the Civil Procedure Act. The applicant, Julia Mugito is seeking an order of review of the court's ruling dated 3<sup>rd</sup> December 2019 in particular paragraph 13 (d) by substituting Meru Land Registrar with Meru District surveyor.
2. The applicant avers that the the Land Registrar cannot effect subdivision on any land as that is the work of the district surveyor. The application is unopposed.
3. I have carefully perused the court file. In paragraph 4 of the applicant's application dated 23.5.2019 in prayer d), she had sought orders; ***"that the Meru Land Registrar be directed to effect subdivision of the land Title No. NYAKI/MULATHANKARI/54 and NYAKI/THUURA/1658"***. The error was certainly on the part of the applicant and not in the ruling dated 3.12.2019.
4. I do however opine that a party must be allowed to enjoy the fruits of his judgment. The application is therefore allowed with no orders as to costs.

**DATED, SIGNED AND DELIVERED AT MERU THIS 7<sup>TH</sup> DAY OF JULY, 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 5.5.2021. 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 17<sup>th</sup> March, 2020 and published in the Kenya Gazette of 17<sup>th</sup> 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**