



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
ORIGINATING SUMMONS NO. 70 OF 2015
IBRAHIM MUSA MOHAMMEDPLAINTIFF
VERSUS
ALI MUSA.....DEFENDANT

J U D G M E N T

1. By Originating Summons dated 6th August, 2015, the Plaintiff sought the following orders:-

- 1. A declaration that IBRAHIM MUSA MOHAMMED the Plaintiff herein has acquired the Defendants $\frac{1}{4}$ share of Plot No. 28B KANGETA MARKET by adverse possession.*
- 2. An order that the Plaintiff be registered as the sole proprietor of the whole Plot No 28 B KANGETA MARKET having acquired the other two $\frac{1}{4}$ share shares belonging to HUSSEIN MUSA and DAUDI MUSA.*
- 3. An order that the Defendant do execute all the transfer documents and transfer instruments in favour of the Plaintiff to have the $\frac{1}{4}$ share transferred to the Plaintiff and in default this Honourable Court do empower its Executive Officer to execute the same on defendants behalf.*
- 4. Costs for and incidental to this suit be borne by the Defendant.*
- 5. Any other relief this Honourable Court deems fit and just to meet the ends of justice.*

2. On 8th November, 2016, the parties proffered a Consent, dated 7th November, 2016, which they had duly signed, which they asked the Court to record as its Consent.

The Consent was addressed to this Court's Deputy Registrar and was in the following terms:-

“RE: CONSENT ORDER

Kindly record the following orders by Consent:-

- 1. By Consent the Plaintiff and Defendant agrees (sic) to have this matter settled and allowed as pleaded by the plaintiff.*
- 2. THAT the Defendant ALI MUSA MOHAMED has agreed that the Plaintiff IBRAHIM MUSA MOHAMED is entitled to the $\frac{1}{4}$ share of plot No. 28B KANGETA MARKET as claimed in this matter.*

3. THAT the Defendant ALI MUSA MOHAMED agrees to execute all the transfer instruments to transfer the $\frac{1}{4}$ share of plot No. 28B KANGETA MARKET to the Plaintiff IBRAHIM MUSA MOHAMMED.

4. THAT the parties shall settle the issue of costs by themselves outside the Court.

3. The Consent is adopted as an order of this Court and the orders contained herein become orders of this Court forthwith.

4. It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 8TH DAY OF NOVEMBER, 2016 IN THE PRESENCE OF:-

CA: Daniel /James

Ken Muriuki for Gichunge for the Plaintiff

Ali Musa -Defendant

P. M. NJOROGE

JUDGE