



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**CIVIL SUIT NO. 40 OF 2009**

M'IGWETA M'NKUBITU.....APPLICANT/PLAINTIFF

VERSUS

KENYA POWER & LIGHTING

COMPANY LIMITED.....RESPONDENT/DEFENDANT

**RULING**

This application is dated 29th April, 2015 and seeks orders:

1. **THAT this application be certified as urgent.**
2. **THAT this Honourable court be pleased to order the Defendant to return and hand over the plaintiff's title Deed to Land reference No. NYAKI/THUURA/270 to Court or the Plaintiff's Counsel.**
3. **THAT the Defendant be ordered to pay the costs of this application.**

It is supported by the affidavit of M'Igweta Nkubitu, the Plaintiff/Applicant and has the following grounds:

- a) **THAT the Plaintiff is an old man who is sickly and needs his title Deed.**
- b) **THAT the matter was settled and the plaintiff gave his title Deed to the Defendant to register the easement way back in 2011.**
- c) **THAT the Defendant has since and for no good or apparent reason refused to release the Plaintiff's Title Deed.**
- d) **THAT unless this Court intervenes the Plaintiff fears that his Title Deed could be used for other purposes.**

A consent entered into by the parties and dated 2.8.2011 states:

***“By Consent of the parties and their respective advocates, this suit be and is hereby marked as fully settled.”***

The consent was adopted as an order of this Court on 10.8.2011. Therefore, this application is only meant to implement an order of this court. In the circumstances, it is allowed. I issue the following

orders:

1. *The defendant is ordered to return and hand over the Plaintiff's title Deed to Land Reference No. NYAKI/THUURA/270 to this Court or to the Plaintiff's Counsel.*
2. *Costs of this application are awarded to the Plaintiff/Applicant.*

It is so ordered.

**Delivered in Open Court at Meru this 7th day of May, 2015 in the presence of:**

Cc Lilian/Daniel

**P. M. NJOROGE**

**JUDGE**