



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

EMBU ELC CASE NO. 125 OF 2014

FORMELY KERUGOYA ELC NO. 30 OF 2012

REGISTERED TRUSTEES OF THE DIOCESE OF EMBU.....PLAINTIFFS

VERSUS

BEATRICE NTHIA E NYAGA.....1ST DEFENDANT

COSMAS N.E. KATHUNGU.....2ND DEFENDANT

MWENENDEGA ENTRPRISES LTD.....3RD DEFENDANT

GILBERT WAITTI MUCHIRI.....4TH DEFENDANT

AGNES WAWIRA IRERI.....5TH DEFENDANT

RULING

1. This application was brought to court by way of a Certificate of Urgency. The Notice of Motion states that the application is reliant upon sections 1A and 3A of the Civil Procedure Act and Order 22 Rule 7 of the Civil Procedure Rules. The application has been handled in chambers without the participation of the parties due to COVID 19 concerns.

2. The application seeks the following orders:

1. That this honourable court be pleased to order its Deputy Registrar to sign on behalf of the 1st, 2nd and 3rd defendants all necessary documents for the transfer of piece of land Kagaari/Kigaa/3076 to the plaintiff.
2. The District Land Registrar Embu do dispense with the production of the original title deed for the transfer process.
3. The costs of this application be awarded to the applicant.

3. The application is supported by the affidavit of Morris Gachura Njage (for the plaintiff) and has the following grounds:

- a) The decree of this court needs to be executed in order for the applicants to enjoy the fruits of their judgment.
- b) The defendants adamantly refuse to sign the necessary papers to enable the transfer.
- c) Which application shall also be supported by the annexed affidavit of Morris Njagi advocate, the nature of the case and other reasons to be adduced at the hearing.

4. I have perused this application, its annexures and all the proceedings in this file. It is pellucid that this is a finalized matter. The apposite decree has already been extracted and the decree was spawned by a judgment entered by the Hon. Justice Y. Angima, ELC Judge, at Embu on **17th October, 2019**. The judgment emanated from a consent of the parties. Litigation must at some point come to an end.

5. Consequently, I grant the following orders:

1. Prayer 1 is granted to the effect that the Deputy Registrar is hereby ordered to sign on behalf of the 1st, 2nd and 3rd defendants **ALL** necessary documents for the transfer of Land Parcel No. KAGAARI/KIGAA/3076 to the plaintiff.
2. The District Land Registrar, Embu, is ordered to dispense with the production of the original title deed for the transfer process.
3. Costs of this application are awarded to the applicant.

Delivered in chambers at Chuka this **13th day of August, 2020** in the presence of:

CA: Ndegwa

P. M. NJORGE,

JUDGE