

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
ELC CASE NO. 2 OF 2014 (OS)

SILAS B. M. MAKINYA.....PLAINTIFF

VERSUS

LIVINGSTONE KOOME BARANA.....DEFENDANT

R U L I N G

This application is brought to Court under Sections 1A and 1B of the Civil Procedure Act. It is dated 21.9.2015 and seeks orders that:

1. ***This honourable court do empower the executive officer of the court to execute all documents for transfer of land parcel No. NTIMA/IGOKI/3001 to the plaintiff so as to give effect to the orders made by this court on 20th October, 2014.***
2. ***Costs be provided for.***

The application is supported by the affidavit of SILAS B. M. Makinya and has the following grounds.

1. **The defendant has failed to execute transfer documents.**
2. **It is necessary that the orders sought do issue to give effect to the orders made by the honourable court.**

On 11.11.2015, Mr. Gatara Ringera told the Court that the application was meant to enable the implementation of this Court's Judgment delivered on 30.10.2014. Upon perusal of this Court's Judgment and the application, I agree.

Mr. Ringera has told the court that the plaintiff does not seek costs including the costs this court awarded to the plaintiff in the judgement dated 30.10.20. I do grant the following orders:

1. ***Prayer 2 in the application is allowed.***
2. ***No costs are awarded in this application and the costs granted to the plaintiff in the judgment delivered on 30.10.2014 are set aside at the instance of the plaintiff.***

It is so ordered.

Delivered in Open Court at Meru this 11th day of November, 2015 in the presence of:

Cc. Daniel/Lilian

Gatara Ringera for Plaintiff

P. M. NJOROGE

JUDGE