



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

JUDICIAL REVIEW APPLICATION NO. 19 OF 2013

IN THE MATTER OF AN APPLICATION BY FELIX KIAMBI GITURU FOR LEAVE TO APPLY
FOR THE ORDER OF MANDAMUS

AND

IN THE MATTER OF LAND PARCELS NOS. ABOGETA/U-KIUNGONE 1302 WHICH SHARES
BUNDARIES WITH LAND PARCEL NO. ABOGETA/U-KITHANGARI/40

AND

IN THE MATTER OF SECTION 18 & 19 OF LAND REGISTRATION ACT 2012 LAWS OF KENYA

FELIX KIAMBI GITURU.....EX-PARTE APPLICANT

VERSUS

LAND REGISTRAR MERU SOUTH DISTRICTRESPONDENT

BENARD MUGAMBI M'MURAA.....INTERESTED PARTY

R U L I N G

In this application the Exparte Applicant sought orders:

- 1. That an order of mandamus do issue to compel or order the Land Registrar Meru South to re-survey Land Parcels No. ABOGETA/U-KITHANGARI/40 and ABOGETA/U-KIUNGONE 1302 and deal with the boundary dispute to ascertain each party's boundary and the exact portion of acreage of the above mentioned parcels of land.**
- 2. That the costs of this application be provided for.**

On 3.7.2014, when the application was slated for hearing, the parties informed the Court that they had held a meeting on 23.10.2013 in the Chambers of Kevin Nyenyire & Co. Advocates and arrived at a settlement and wished the contents of the minutes to be adopted as orders of the Court. Their advocates also presented a consent dated 3.7.2014 and sought a ruling adopting the contents of the same as an order of this Court.

The consent is in the following terms:

“By consent of the parties and their advocates, it is hereby mutually agreed as follows:-

(a) that the District Land Registrar Meru South to re-survey Land Parcels No.ABOGETA/U-KITHANGARI/40 and ABOGETA/U-KIUNGONE/1302 and deal with the boundary dispute to ascertain each party's boundary.

(b) That the caution lodged on Land Parcel No. Abogeta/U-Kithangari/40 be withdrawn.

(c) That the suit herein i.e. Meru Judicial Review No. 19 of 2013 be marked as withdrawn.

(d) That each party to bear its own costs.”

The contents of the minute of the meeting held on 23.10.2013 in the Chambers of Kevin Nyenyire & Co. Advocates are adopted as an order of this Court. The contents of the consent dated 3.7.2014 which, more or less, restates the contents of the Minutes of the meeting held in the Chambers of Kevin Nyenyire & Co. Advocates, are also adopted as an order of this Court.

For avoidance of any doubt this suit is withdrawn and finally settled. It may not be revived or in any other way brought back to Court.

It is so ordered.

Delivered in Open Court at Meru this 3rd day of July, 2014 in the presence of:

Cc Lilian/Daniel

Nyenyire for Exparte Applicant

Kieti for Respondent

Bernard Mugambi M'Murea- Interested Party

P. M. NJOROGE

JUDGE