



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**HCC NO. 72 OF 2008(OS)**  
**IN THE MATTER OF M'IBIIRI KARUNYA – DECEASED**

**AND**

**IN THE MATTER OF LAND PARCEL NUMBER KIANJAI MITUNTU/131**

**BETWEEN**

**SILAS KIREMA M'IBIIRI.....1ST PLAINTIFF**

**ESTHER MWENGWA M'IBIIRI.....2ND PLAINTIFF**

**PRISCHILLA KAGURI M'IBIIRI.....3RD PLAINTIFF**

**VERSUS**

**PETER MUNYI M'IBIIRI.....1ST DEFENDANT**

**JEREMIAH MUGAMBI THURANIRA.....2ND DEFENDANT**

**DOMINIC KITHERA MEMEU.....3RD DEFENDANT**

**DAVID MWIRIGI KINOTI.....4TH DEFENDANT**

**TIMOTHY MURITHI KINOTI.....5TH DEFENDANT**

**ESTHER KARIMI.....6TH DEFENDANT**

**R U L I N G**

This application is dated 26.9.2013. It seeks orders that:

(a) The Deputy Registrar be authorized by this Hon. Court to sign all the requisite documents on behalf of the respondents to have the land parcel NO.KIANJAI/MITUNTU/131 subdivided and transferred to all the beneficiaries.

(b) The Court do make further orders as may meet the ends of justice in this matter.

(c) Costs be provided for.

The application is based on the following grounds:

**(i) The land, the subject of this cause is registered in the names of the plaintiffs and the defendant, to hold in trust for themselves and other beneficiaries.**

**(ii) The respondents/plaintiffs have refused to sign sub-division and transfer documents to effect transfer.**

**(iii) The respondents are also entitled to a portion of the said land.**

**(iv) The applicant cannot develop his portion effectively without title to the same.**

On 6.4.2014 the respondent had prayed, and was granted, 21 days to respond to the application. When the application came up for interpartes hearing on 8.7.2014, the respondent had not opposed the application. The 2nd plaintiff, without batting an eyelid, told the Court that she was not one of the registered owners of the suit land. She said that her advocate had refused to come to Court as he had not been paid. The certificate of official search said otherwise. As at 4th July, 2013, the suit land was registered in the names of Esther Mwangwa Ibiiri and Silas Kirema Ibiiri.

This application is intended to facilitate the implementation of a consent which was adopted as an order of this court. As it is not opposed, it is allowed. I award costs to the applicant.

As for prayer (b) in the application, I order that the Land Registrar should dispense with the original title deed to parcel No. KIANJAI/MITUNTU/131 so that the order of this Court can be implemented.

It is so ordered.

**Delivered in Open Court at Meru this 8th day of July, 2014 in the presence of :**

Cc. Lilian

Miss E. G. Mwangi for Applicant

Esther Mwangwa M'Ibiiri – 2nd Plaintiff

**P. M. NJOROGE**

**JUDGE**