



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CIVIL APPEAL NO. 20 OF 2000

GERVASIO MIRITI M'RIMBERIA.....APPLICANT/RESPONDENT

VERSUS

NOMI KANANA M'MWORIA.....RESPONDENT/DEFENDANT

ORDER

This application by Naomi Kanana M'Mworia is dated 21st July, 2014 and seeks orders:

- (a) ***THAT*** this Honourable Court be pleased to certify this application urgent and hear it on priority basis.
- (b) ***THAT*** this Honourable Court be pleased to order the Respondent to present the Original title Deed for the said plot to this Honourable Court immediately upon hearing of this application and the Executive Officer of this Honourable Court be empowered to execute all the necessary signatures to necessitate transfer process.
- (c) ***THAT*** this Honourable Court be pleased to commit the said Respondent GERVASIO MWITI M'RIMBERIA to Civil jail for dishonouring orders of this Honourable Court without justified cause herein which is purely Court contempt.
- (d) ***THAT*** the cost for this application be provided by the Respondent.

It is based on the following grounds:

1. ***THAT*** this Honourable court had issued orders for the registration of NAOMI KANANA M'MWORIA on 10th November, 2003 which orders the Respondent has dishonoured to date (sic).
2. ***THAT*** the Respondent is bound to Honouring orders of this Court (sic).
3. ***THAT*** the Applicant as beneficiary has right to the said share which was meant for her deceased Husband who is biological brother to the Respondent.
4. ***THAT*** the Applicant Court (sic) to withhold the said transfer is against the wish of the Respondent and against the orders of this Court wherein the Respondent prays that the Applicant be committed to civil jail upon hearing this Application.
5. ***THAT*** it would not prejudice any of the parties if orders sought are granted herein it is for the interest of justice that the orders are sought (sic).

As the respondent is not in court, although he was properly served, I grant the following orders

1. The Land Registrar to dispense with the Original title deed for Parcel No. ABOTHUGUCHI/KARIENE/1752 to facilitate implementation of this Court's decree issued on 10th November, 2003.

2. The Executive Officer of this Honourable Court is empowered to execute all the necessary signatures to facilitate the apposite transfer process.

It is so ordered

Delivered in Open court at Meru this 2nd day of October 2014 in the presence of:

Cc. Daniel

Naomi Kanana M'Mworia – Applicant

P. M. NJOROGE

JUDGE