



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CIVIL CASE NO. 89 OF 2001

M'IMANYARA M'MURITHI.....PLAINTIFF

VERSUS

NKANATA MURITHI.....1ST DEFENDANT

JAMLICK MURITHI MURUMIA.....2ND DEFENDANT

R U L I N G

This application is dated 2nd October, 2014 and seeks orders:

1. ***THAT this application be certified as urgent and the same be heard on priority basis.***
2. ***THAT this Honourable Court be pleased to order the 2nd defendant JAMLICK MURITHI MURUMIA to sign all the necessary mutation forms and transfer documents to facilitate the transfer of half share of L. R. NO. ABOGETA/U-KITHANGARI/4 to the plaintiff as ordered by the court and in default and failure to sign the said transfer documents, the Executive Officer of this Honourable court be empowered to sign mutation forms and all the said transfer documents to facilitate the transfer of the said half share of the said land to the plaintiff.***
3. ***THAT this Honourable court be pleased to make further orders as may be necessary to meet the ends of justice.***
4. ***THAT the costs of this application be provided for***

It is predicated upon the following grounds:

- (a) ***This Honourable Court and the Court of Appeal have ordered the 2nd defendant to transfer the said land to the plaintiff.***
- (b) ***It is now impossible to enforce the said Court Orders owing to the 2nd defendant's refusal to sign all the requisite documents.***
- (c) ***Court Orders ought to be respected and adhered to.***
- (d) ***It is only just and fair that the Executive Officer of this Honourable Court be empowered to sign all the necessary Mutation and transfer forms to effectuate the transfer half share of the land to the plaintiff.***
- (h) ***Unless the orders sought are granted, the applicant/plaintiff shall suffer irreparably.***

This court and the court of Appeal have already ordered the 2nd defendant to transfer the suit land to the plaintiff. Three applications filed by the 2nd defendant have been dismissed by this court. The 1st is dated 15.1.2013. The 2nd is dated 30.7.2014. The 3rd is dated 12.8.2014. the court has already declared itself functus officio.

This application is aimed at facilitating the implementation of the judgment of the court of Appeal. I grant the following orders:

1. *The 2nd defendant JAMLICK MURITHI MURUMIA is ordered to sign all the necessary mutation forms and transfer documents to facilitate the transfer of half share of L. R. NO. ABOGETA/U-KITHANGARI/4 to the plaintiff as ordered by the Court and in default and failure to sign the transfer documents, the Executive Officer of this court is empowered to sign mutation forms and all the said transfer documents to facilitate the transfer of the said half-share of L. R. NO.ABOGETA/U-KITHANGARI/4 to the plaintiff.*
2. *Under prayer 3 of the Application I order that should the 2nd Defendant fail to co-operate in the implementation of order 1 above, the Land Registrar should dispense with the production of the Original title or certificate of title for L. R NO. ABOGETA/U-KITHANGARI/4.*
3. *I award costs to the plaintiff.*

Delivered in Open Court at Meru this 6th day of October, 2014 in the presence of:

Cc. Daniel/Lilian

Kiogora for the plaintiff

P. M. NJOROGE

JUDGE