



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CIVIL CASE NO. 103 OF 2010

THAMBU MUKUNGA.....PLAINTIFF/APPLICANT

VS

THARAKA NITHI COUNTY GOVERNMENT.....DEFENDANT/RESPONDENT

RULING

This application is dated 3rd day of November, 2014 and seeks orders;

- 1. That the application be certified urgent and it be heard ex-parte on priority basis.***
- 2. That the District Land Registrar, Chuka, be empowered to dispense with the necessity of production of the original title deed to L.R No. Mwimbi/Chogoria/501, in the course of effective & actual transfer of L.R No. Mwimbi/Chogoria/501, from the name of Chogoria Town Council to M'Thambu Mukunga, as per the judgment delivered herein on 31.7.2014.***
- 3. That costs of the application be in the cause.***

It is supported by the affidavits of Carlpeters Mbaabu and Frank K. Njeru and on the following grounds.

- I. That the title deed to the subject parcel of land cannot be traced anywhere.***
- II. That the parties have signed consent in support of the instant application.***
- III. That the plaintiff/applicant is over 76 years old and is very frail due to sickness.***
- IV. That the plaintiff/applicant is hypertensive and his medical condition is deteriorating.***
- V. That the counsel for the respondent has sworn an affidavit in support of the prayer sought.***
- VI. That it is in the interest of the parties herein and justice, that this matter be urgently settled.***
- VII. That the court is encouraged to promote settlement of disputes by consent of parties.***

The parties have entered a consent in the following Terms;

“ By consent of the parties through their respective counsel; “the District Land Registrar, Chuka, be and is hereby empowered to dispense with the necessity of production of the original title deed to L.R No Mwimbi/Chogoria/501, in the course of effective and actual transfer of L.R No. Mwimbi/Chogoria/501, from the name of Chogoria Town Council to M'Thambu Mukunga in terms of the judgment herein on 31.7.2014.”

The consent is adopted as an order of this court. The application dated 3rd November, 2014 is allowed with no orders as to costs.

It is so ordered.

Delivered in Open Court this 5th day of November, 2014 in the presence of;

Cc. Arimi/Lilian

Carlpeters Mbaabu for Applicant.

P. M. NJOROGE

JUDGE