

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MACHAKOS

ELC. CASE NO. 121 OF 2009

RAPHAEL MITAU KING'ALYA.....1ST PLAINTIFF

RICHARD MUEMA.....2ND PLAINTIFF

VERSUS

KILONZO KING'ALYA.....1ST DEFENDANT

MUSILI KING'ALYA.....2ND DEFENDANT

AND

MBUSI MULANGA.....INTERESTED PARTY

RULING

1. In the Notice of Motion dated 20th February, 2020, the Plaintiffs have prayed for the following orders:

a. That the Deputy Registrar of Environment and Land Court, Machakos be authorized to sign all documents and instruments of transfer of land parcel no. L.R. No. Kyangwithya/Kaveta/727 on behalf of the Defendants and a Title Deed be issued to the Plaintiffs.

b. That cost of this Application be borne by the Defendants.

2. The Application is premised on the grounds that the Plaintiff obtained Judgment against the Defendants on 25th April, 1990 and a Decree was issued on 21st February, 1994; that the transfer of the properties was done save for title for land known as Kyangwithya/Kaveta/727 and that the Defendants have refused to comply with the Judgment of the court.

3. The Application dated 20th February, 2020 was not opposed. Indeed, the Decree of this court issued on 21st February, 1994 has never been set aside either by this court or the Court of Appeal.

4. That being the case, the Decree of this court should be complied with to bring an end to litigation. Consequently, the Application dated 20th February, 2020 is allowed as follows:

a. The Deputy Registrar of this court to sign all documents and instruments of transfer of land parcel number Kyangwithya/Kaveta/727 in strict compliance with the Decree issued herein on 21st February, 1994.

b. Each party to bear his/her own costs.

DATED, SIGNED AND DELIVERED IN MACHAKOS THIS 6TH DAY OF NOVEMBER, 2020.

O. A. ANGOTE

JUDGE