



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC JUDICIAL REVIEW CASE NO. 21 OF 2017

FORMERLY MERU ELC JUDICIAL REVIEW CASE NO. 615 OF 2013

REPUBLIC.....APPLICANT

VERSUS

LAND ADJUDICATION OFFICER

MERU SOUTH/MAARA DISTRICT.....RESPONDENT

M'RIBA RUMUKIA.....1ST INTERESTED PARTY

MWENDA KAJOGI.....2ND INTERESTED PARTY

EX-PARTE:

ZACHARY NJERU MUGAMBI.....1ST APPLICANT

M'NDEREBA MAGIRI.....2ND APPLICANT

FRANCIS KABURU JOHNSON.....3RD APPLICANT

RULING

1. This application has been brought to court by way of Chamber Summons under sections 3 and 3A of the Civil Procedure Act.
2. The application is dated **10th December, 2020** and seeks the following orders:
 1. The honourable court be pleased to hear this application on priority basis.
 2. The honourable court be pleased to order for the lifting of restrictions placed on L.R. Muthambi/L-Kandungu/87 by the chief land registrar.
 3. The honourable court be pleased to authorize the court executive officer to sign the mutation forms of L.R. No. Muthambi/L.Kandungu/87 on behalf of the 1st and 2nd Interested Parties who have refused to sign the same.
 4. Costs be provided for.
3. The application has the following grounds:
 - A. The surveyor is unable to implement the court orders due to the restriction on the title and due to the failure of some parties to sign the mutation.
 - B. This order is for purposes of implementing the decree of this court and as such no party will be prejudiced by the orders sought.
4. The application is buttressed by the affidavit of **FRANCIS KABURU JOHNSON** sworn on **10th December, 2020**, which states:-

I, FRANCIS KABURU JOHNSON of P. O. Box 171 Chuka, do make oath and state as follows:-

1. That I am the applicant herein and thus competent to swear this affidavit.
2. That pursuant to this court's orders to combine and distribute L.R. No. Muthambi/L-Kandungu/87 the surveyor has done the mutation but he is unable to register the same because there is a restriction on the title and because the 1st and 2nd interested parties have declined to sign the mutation forms (annexed is the search certificate marked F.K. '1').
3. That the orders sought herein are merely to help implement the decree of this court and will not prejudice any of the parties if granted.
4. That all what is deponed to herein is true to the best of my knowledge, belief and understanding.
5. The court notes that the application is meant to facilitate implementation of court orders.
6. Prayer 1 in the application is spent because the application has been heard on a priority basis in chambers during these Covid-19 times.
7. The following orders are issued:
 - a) Prayers 2 and 3 are hereby granted.
 - b) I issue NO order regarding costs.

Delivered in Chambers at Chuka this 15th day of December, 2020

in the presence of:

CA: Ndegwa

P. M. NJOROGE,

JUDGE.