

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT EMBU
ELC CASE NO. 19 OF 2020(OS)

MICHAEL NDONG'ONG'I NJIRU.....1ST
PLAINTIFF/APPLICANT
LYDIA MBUCU KITHAKA.....2ND SUBSTITUTED
PLAINTIFF/APPLICANT
JUSTA NGITHI.....3RD
PLAINTIFF/APPLICANT
GACONI NJIRU.....4TH
PLAINTIFF/APPLICANT
VERSUS
GABRIEL MAGARA NJIRU.....1ST
DEFENDANT/RESPONDENT
NJERU NJIRU.....2ND
DEFENDANT/RESPONDENT

RULING

1. Vide the Notice of Motion application dated 27/01/2026, the Applicants are seeking interalia, that the Deputy Registrar of this Court be authorized to execute all necessary documents to give effect to the decree issued on 30/07/2025 awarding the Applicants portions of land parcels Embu/Mavuria/319 and 1033 in place of the Respondents who have refused and or neglected to do so; that the Land Registrar Kiritiri do effect

registration and transfer of the respective portions to the Applicants as per the decree of this court; that the officer commanding station (OCS) Kiritiri police station do provide security and maintain law and order during the exercise on subdivision and execution of the decree and ensure peaceful implementation of the Court's order.

2. The application is based on grounds on the face of the application supported by the affidavit of the 1st Applicant, Michael Ndong'ong'i Njiru sworn on 27/01/2026. He deposed that on 30/07/2025, this Court delivered judgement in favour of the Applicants awarding them defined portions of land parcels 319 and 1033 registered in the Respondents names. He averred that he has since requested the Respondents who are his elder brothers to execute the necessary documents for subdivision and transfer but they have declined to do so. He averred that although they live on the portions of land that were awarded to them by the court, the Respondents and their respective families have previously exhibited hostility towards them and they were forced to obtain restraining orders against them while this matter was actively in court.
3. He contended that there is a real likelihood of confrontation during the implementation of the decree hence the need for the assistance of the OCS Kiritiri police to provide security and maintain peace. He maintained that unless the Court intervenes, the decree will remain unexecuted to their detriment. He annexed to the supporting affidavit, a copy of

the decree and a copy of the restraining orders dated 03/06/2021.

4. The Respondents did not file a response to the application despite being served and therefore the hearing of the application proceeded ex-parte.
5. The issue for determination is whether the Applicants have established a basis for the grant of the orders sought for implementation and enforcement of the decree issued on 30/07/2025.
6. The record is clear that judgment in this matter was delivered on 30/07/2025 wherein this Court found that the Respondents, though registered as proprietors of land parcels Embu/Mavuria/319 and 1033, hold the same in trust for the Applicants, who are their siblings. The Court further proceeded to determine and set out the specific manner of distribution of the said parcels in favour of the Applicants. There is also no evidence that the Respondents have either appealed against nor sought a stay of execution of the said judgment, and the decree therefore remains valid and capable of enforcement.
7. In view of the foregoing, the Court is satisfied that the orders sought are merited to facilitate the due implementation of the judgment of this Court delivered on 30/07/2025.
8. Accordingly, the application dated 27/01/2026 is hereby allowed in its entirety.

DATED, DELIVERED AND SIGNED AT EMBU THIS 14TH DAY OF MAY,
2026

HON.E.C CHERONO
ELC JUDE, EMBU

In the presence of;

- 1.M/S Rose Njeru for the plaintiff/Applicant
2. Defendant/Advocate-absent
3. M/S Ruth C/A