



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO 257 OF 2017

FORMERLY MERU ELC CASE NO 56 OF 2013

FRANKLIN MUTUMA NKONGE.....1ST PLAINTIFF

JOSEPH NKONGE M'ARITHI.....2ND PLAINTIFF

VERSUS

ANDREW MURITHI M'NDEGWA..... 1ST DEFENDANT

CECILIA KINYA M'NDEGWA.....2ND DEFENDANT

GRACE KARWIRA M'NDEGWA.....3RD DEFENDANT

RULING

1. This application is dated 12th January, 2017.
2. The application seeks the following orders:
 1. That this honourable court be pleased to certify this application as urgent and dispense with service since it is basically exparte.
 2. That this honourable court be pleased to grant an order for the Land Registrar Meru Central to dispense with the title for L.R. NYAKI/KITHOKA-MWANIKA/45 when implementing the judgment/decree herein.
 3. That the Land Registrar Meru Central be served for compliance.
 4. That costs of this application be in the cause.
3. The application has the following grounds:
 - a. That there is no prejudice to be suffered by any party if the application is allowed.
 - b. That the application is necessary for the purpose of implementation of the judgment/decree herein.
4. The application is supported by the affidavit of Andrew Muriithi M'Ndegwa, the 1st defendant which

states:

“I, ANDREW MURIITHI M’NDEGWA OF P. O. BOX 160, MERU do hereby make oath and solemnly state as follows:

1. That I am the 1st defendant and duly authorized by the other dependants (sic) to swear this affidavit in support of our application herein.
2. That this honourable court delivered its judgment on 13.11.2017 in our favour.
3. That we are advised by our advocate on record which we believe to be true that this application is necessary so that the orders can be served on the Land Registrar Meru Central in whose jurisdiction the subject matter is situate.
4. That the Land Registrar as a matter of procedure will demand the surrender of the title which is very difficult to procure in order for him/her to implement the judgment/decree herein.
5. That we therefore humbly urge this honourable court to allow our application which is necessary.
6. That this application is very urgent for purposes of implementation of the judgment/decree herein.
7. That the facts deponed herein are true to the best of my knowledge, information and belief.

Sworn by the said Andrew Murithi M’Ndegwa at Meru this 12th day of January, 2018

5. I agree that this application is meant to facilitate the implementation of this court’s judgment delivered on 13th November, 2017. In the circumstances, this application is allowed.
6. The Land Registrar, Meru central, is ordered to dispense with the title for L.R. NYAKI/KITHOKA-MWANIKA/45 when implementing the judgment/decree of this court.
7. It is ordered that the Land Registrar be served with this ruling for the apposite compliance.
8. Costs are awarded to the defendants.
9. It is so ordered.

Delivered in open court at Chuka this 16th day of January, 2018 in the presence of:

CA: Ndegwa

Gikunda Anampiu for the defendants

P. M. NJOROGE,

JUDGE.