

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO. 80 OF 2002

**MARY NTIBA (Suing as legal representative of the estate of
MALIAMU NCURUBI M'IBIRI).....PLAINTIFF**

VERSUS

**FRANCIS M'MANYARA M'RINGERA alias
IMANYARA RINGERA..... DEENDANT**

RULING

1. The application dated 21.3.2018 came up for hearing on 23.1.2018. Appellants counsel, Mr. Rimita informed the court that his client is now deceased. However he admitted that indeed the appeal was withdrawn in 2014.
2. There being no appeal then the process of execution should continue. It is noted that execution was halted by the process of this appeal whereby a judgment delivered on 17.2.2011 in the lower court has never been implemented.
3. The present application is meant to effectuate the said judgment. The lower court file is in the present file and hence applicant has no other forum of pursuing execution. In the circumstances, the application of 21.3.2018 is allowed in the following terms;

(i) The Deputy Registrar of this court is hereby authorized to execute the transfer documents in relation to L.R No. Nyaki/Kithoka/715 which was subdivided into L.R No's Nyaki/Kithoka/2455/2456/2457/2458 and 2459 in favour of the applicant.

(ii) The land registrar Meru is hereby ordered to dispense with production of the original title deed, passport size photos, and photocopies of I.D cards and PIN certificate of the respondent and effect the transfer of L.R No. Nyaki/Kithoka/715 which was subdivided into L.R Nos Nyaki/Kithoka/2455/2456/2457/2458 and 2459 to the applicant.

(iii) No orders as to costs.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 23RD DAY OF MAY, 2018 IN THE PRESENCE OF:-

Court Assistant: Janet/Galgalo

E. Kimathi holding brief for M. Kariuki present

Munga for respondent present

Parties absent

HON. LUCY. N. MBUGUA

ELC JUDGE