



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO 70 OF 2015

IBRAHIM MUSA MOHAMMED.....PLAINTIFF

VERSUS

ALI MUSA.....DEFENDANT

RULING

1. This ruling is in respect of an application dated 5th April 2018 whereby the applicant is seeking the following orders;

i. Spent.

ii. That this honourable court be pleased to empower the executive office to execute the relevant transfer documents to effect the transfer of Ali Musa's share in plot No. 28 B Kangeta Market to Ibrahim Musa Mohammed, the applicant in conformity with the judgment delivered on 8.11.2016.

iii. That costs for and incidental to this application be costs in the cause.

2. The grounds in support of the application are that:

i. The respondent Ali Musa has refused to execute transfer in favour of the applicant Ibrahim Musa Mohammed in contravention of the consent judgment of 8.11.2016.

ii. The respondent is not ready to execute the transfer despite numerous pleas.

iii. The applicant will continue suffering and is not enjoying the fruits of the consent judgment entered on 8.11.2016.

3. The applicant has also sworn an affidavit in support of the application.

4. A perusal of the file indeed reveals that there is a consent judgment dated 8.11.2016. The said judgment indicates that defendant Ali Musa Mohamed was to execute all transfer instruments to transfer the ¼ share of plot No. 28B Kangeta Market to the plaintiff. The present application is hence meant to effectuate that judgment.

5. I therefore find that the application is merited and is allowed as drawn in the following terms;

i. That this honourable court be pleased to empower the executive office to execute the relevant transfer documents to effect the transfer of Ali Musa's share in plot No. 28 B Kangeta Market to

Ibrahim Musa Mohammed, the applicant in conformity with the judgment delivered on 8.11.2016.

ii. That costs for and incidental to this application be costs in the cause.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 16th DAY OF MAY, 2018 IN THE PRESENCE OF:-

Court Assistant: Janet/Galgalo

Kithinji for plaintiff present

Defendant absent

HON. LUCY. N. MBUGUA

ELC JUDGE