



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT MERU**

**ELC CASE NO 128 OF 2012**

**MICHAEL M'RINYIRU M'MWIRICHIA.....PLAINTIFF**

**VERSUS**

**ISAYA MWENDA.....DEFENDANT**

**RULING**

1. The application dated 9<sup>th</sup> May seeks the following orders;

(i) The order of inhibition registered against land parcel No. Nyaki/Munithu/1159 pursuant to orders issued by this honourable court on 16<sup>th</sup> October, 2012 be lifted.

(ii) The land registrar, Imenti North district be directed to dispense with production of the original title deed in respect of land parcel No. Nyaki/Munithu/1159 issued in the name of the defendant, Isaya Mwenda to facilitate transfer of the land to the plaintiff in execution of the judgment of this honourable court.

(iii) The executive officer of the honourable court be authorized to execute all documents for transfer of land parcel no. Nyaki/Munithu/1159 to the plaintiff in place of the registered owner, Isaya Mwenda in execution of the honourable court's judgment

(iv) Costs be in cause.

2. The application is supported by the grounds on the face of the application and on the affidavit of the applicant.

3. The records of the court indicate that interlocutory judgment was entered on 8.5.2013. The matter proceeded for formal proof on 29.10.2014 and final judgment was delivered on 19.12.2014.

4. Then defendant brought forth an application dated 18.2.2015 to set aside the judgment and for a stay of execution. An order of stay of execution of judgment and decree was given on 24.9.2015 pending the hearing of the application. It appears that this application was never prosecuted.

5. Plaintiff then filed an application dated 22.8.2016 praying for dismissal of the application of 18.2.2015 and for discharge of the stay orders. Plaintiff's application (of 22.8.2016) was allowed vide the court's ruling of 1.3.2018. It is against this background that plaintiff filed the present application.

6. I find that the present application is meant to effectuate the judgment of this court. I hence allow the same in the following terms;

**(i) The order of inhibition registered against land parcel No. Nyaki/Munithu/1159 pursuant to orders issued by this honourable court on 16<sup>th</sup> October, 2012 are hereby lifted.**

**(ii) The land registrar, Imenti North district is directed to dispense with production of the original title deed in respect of land parcel No. Nyaki/Munithu/1159 issued in the name of the defendant, Isaya Mwenda to facilitate transfer of the land to the plaintiff in execution of the judgment of this honourable court.**

**(iii) The executive officer of the honourable court is hereby authorized to execute all documents for transfer of land parcel no. Nyaki/Munithu/1159 to the plaintiff in place of the registered owner, Isaya Mwenda in execution of the honourable court's judgment**

**(iv) Costs be in cause.**

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 16<sup>th</sup> MAY, 2018**

**IN THE PRESENCE OF:-**

**Court Assistant:** Janet/Galgalo

Mungai holding brief for Ringera for plaintiff present

Mokua for defendant absent

**HON. LUCY. N. MBUGUA**

**ELC JUDGE**