



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 156 OF 2017

FORMERLY MERU ELC. 53 OF 2012(OS)

FREDRICK MUGAMBI.....PLAINTIFF

VERSUS

GEOFFREY N. THUITA.....DEFENDANT

SALESIO MATI MWIRICHIA.....INTERESTED PARTY

JUDGMENT

1. The plaintiff and the Interested Party in this suit sought parallel declarations that they be registered as owners of the portions of land they occupied on Land Parcel No. South Tharaka/Tunyai "A"/283 which they said was registered in the name of a non-existent person.
2. On **20th June, 2018**, their lawyers proffered a consent which they wanted the court to adopt as its order.
3. Mr. Mutani, for the Interested Party, asked the court to peruse the pleadings the parties had filed and find that they had obtained ownership by way of adverse possession of the portions of the suit land that they occupied. He asked the court to enter a judgment accordingly.
4. Mr. Ringera, for the plaintiff agreed with the submissions made by Mr. Mutani and asked the court to enter a judgment accordingly.
5. The parties' consent dated **19th June, 2018** and addressed to the Deputy Registrar of this court is reproduced in full herebelow:

19.6.2018

Dear Sir,

RE: ELC NO. 156 OF 2017

FREDRICK MUGAMBI –VS- GEOFFREY N. THUITAI

Please record the following consent;

By consent, this suit be marked as settled on the following terms;

1. A declaration is hereby made that both the plaintiff, FREDRICK MUGAMBI and the interested party, SALESIO MATI MWIRICHIA have acquired title to land parcel NO. SOUTH/THARAKA/TUNYAI "A"/283 issued in the name of the defendant, GEOFFREY N. THUITAI under adverse possession.
2. Both the plaintiff, FREDRICKMUGAMBI and the Interested party, SALESIO MATI MWIRICHIA shall be registered as the owners of the respective portions of land parcel No. South Tharaka/Tunyai/ "A"/283 occupied by each one of them as at **30th May, 2018**.
3. The land registrar and surveyor, Tharaka Nithi County do visit land parcel No. South/Tharaka/Tunyai/ "A" 283, sub-divide the same into two portions in accordance with clause 2 hereof and transfer the respective portions to the plaintiff and the interested party. The plaintiff and the interested party shall share the cost of sub-division.

4. The executive officer of this honourable court be authorized to execute all necessary documents to effect the sub-division of land parcel No. South/Tharaka/Tunyai/ "A" 283 and transfer of the respective parcels to the plaintiff and the interested party.

5. Parties to bear own costs of the suit.

Yours faithfully,

GATARI RINGERA & COMPANY

ADVOCATES FOR THE PLAINTIFF

P. MUTANI & COMPANY

ADVOCATES FOR THE INTERESTED PARTY

6. This consent is confirmed as an order of this court.

7. Consequently, it is ordered as follows:

1. A declaration is hereby made that the plaintiff, FREDRICK MUGAMBI and the Interested Party SALESIO MATI MWIRICHIA have acquired title to land parcel No. SOUTH THARAKA/TUNYAI "A"/283 registered in the name of the defendant, GEOFFREY N. THUITAI through the doctrine of adverse possession.

2. Both the plaintiff, FREDRICK MUGAMBI and the Interested party, SALESIO MATI MWIRICHIA shall be registered as the owners of the respective portions of land parcel NO. SOUTH THARAKA/TUNYAI "A"/283 occupied by each one of them as at **30th May, 2018.**

3. The Land Registrar and surveyor, Tharaka Nithi County do visit land parcel NO. SOUTH THARAKA/TUNYAI "A"/283, subdivide the same into two portions in accordance with order 2 hereof and transfer the respective portions to the plaintiff and the interested party.

4. The plaintiff and the interested party shall share all attendant costs.

5. The Executive Officer of this court is hereby authorized to execute all necessary documents to effect the subdivision of land parcel NO. SOUTH THARAKA/TUNYAI "A"/283 and transfer of the respective parcels to the plaintiff and to the Interested party.

6. Parties shall bear own costs in as far as this suit is concerned.

7. It is so ordered.

Delivered in open Court at Chuka this 25th day of June, 2018 in the presence of:

CA: Ndegwa

Mutani for the Interested Party

Frederick Mugambi – Plaintiff

P.M. NJOROGE

JUDGE