



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT NAIROBI**

**E.L.C. CASE NO. 250 OF 2011**

**GEORGE MBUGUA NJUGUNA**

**NICHOLAS INDANGASI MAITA**

**EVANGELINE NYAWIRA MURAGE**

**PATRICIA W. CHEGE (Being Registered Officials of**

**Riruta Shade for Orphans Children's Home.....APPLICANTS**

**VERSUS**

**REGISTERED TRUSTEES OF WORLD OUTREACH....RESPONDENT**

**RULING**

The Applicants seek to have the Deputy Registrar of this court execute the relevant forms on behalf of the Registered Trustees of World Outreach in respect of Dagoretti/Riruta/S.666 for purposes of effecting a transfer of this land to the Applicants.

The court entered judgement in favour of the Applicant on 29/1/2016 and issued a final decree on 29/3/2016. Patricia W. Chege swore the affidavit in support of the application and deponed that the Applicants' attempts to trace the Respondent to execute the documents have proved futile.

The Applicants relied on various authorities in support of the position that the court is not *functus officio* and that it has the inherent jurisdiction to grant the orders sought.

The application dated 31/8/2016 has merit. It is allowed as prayed. There will be no orders as to costs.

**Dated and delivered at Nairobi this 30<sup>th</sup> day of August 2018.**

**K. BOR**

**JUDGE**

**In the presence of: -**

Mr. Mwariri for the Plaintiff

Mr. Kimathi Kamencha for the Defendant

Mr. V. Owuor- Court Assistant