

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MACHAKOS

ELC. CASE NO. 55 OF 2013

MUA FARMERS CO-OP. SOCIETY LTD.....PLAINTIFF/APPLICANT

VERSUS

MUKII MUTISO.....DEFENDANT/RESPONDENT

RULING

1. In the Application dated 14th June, 2018, the Plaintiff is seeking for the following orders:

a. That the Honourable Court be pleased to review the Judgment and Orders of this Court delivered on 13th April, 2018 and substitute thereof the Registration Number of the property Machakos/Mua Hills/648 with Machakos/Mua Hills/782 measuring approximately 38.05 Hectares.

b. That the costs of this Application be provided for.

2. The Application is premised on the grounds that before the filing of this suit, the official search showed that the parcel number of the suit property was Machakos/Mua Hills/648; that during the pendency of the suit, the Respondent sub-divided the suit land and created two portions known as Machakos/Mua Hills/782 and 783 and that consequently, the Judgment of this court cannot be enforced because parcel number 648 no longer exists.

3. This Application was not opposed by the Defendant. Indeed, this matter was heard and finalized by this court on 13th April, 2018. However, the Judgment of the court referred to land parcel number 648 which has since been sub-divided by the Defendant. Consequently, there is sufficient reason to have the Judgment of the court reviewed for the purpose of completing the execution process.

4. Consequently, the Application dated 14th June, 2018 is hereby allowed in the following terms:

a. That the Applicant be registered as the proprietor of land measuring 7.4 acres that it has been in occupation for twelve (12) years being a portion of land known as Machakos/Mua Hills/782.

b. The County or National Government Surveyor and the County Land Registrar to implement the above order.

c. The Defendant to pay the costs of the suit and this Application.

DATED, DELIVERED AND SIGNED IN MACHAKOS THIS 12TH DAY OF OCTOBER, 2018.

O.A. ANGOTE

JUDGE