



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT NAKURU

ELC NO 207 OF 2013

SIKANY OLE LENGENY & 15 OTHERS.....PLAINTIFFS

VERSUS

JOHN SALA KOGULS.....DEFENDANT

RULING

(Application to have Deputy Registrar execute transfer forms to applicants; judgment having been entered in favour of applicants for adverse possession; application not opposed; application allowed)

1. The application before me is that dated 6 April 2016. It seeks orders to have the Deputy Registrar of this court execute transfer documents for the land parcel Narok/Cis Mara/Nkobon/147 to the applicants.

2. The background leading to this application is that vide an Originating Summons filed on 12 March 2012, the applicants sought orders that they be declared owners of the suit land by way of adverse possession. Despite being served, the respondent did not enter appearance and did not participate in the suit. The matter was heard ex-parte and judgment delivered on 10 March 2016 in favour of the applicants. It was declared that the applicants are entitled to the suit land through adverse possession and it was further ordered that the suit land be registered in their collective names. On 8 June 2016, the respondent was served with a Notice of Entry of Judgment but he has not reacted to it.

3. Through this application, the applicants aver that they wish to enjoy the fruits of their judgment and that efforts to have the respondent execute the transfer forms in their favour have been futile.

4. The respondent has been served with this application but has not responded to it. On my part, I see no reason to deny the applicants the prayers that they seek. Judgment has already been entered in their favour and it has already been held that they are entitled to be registered as proprietors of the suit land. It is apparent that the respondent has no interest in signing the transfer instruments to the applicants. The only way in which the applicants can enjoy the fruits of their judgment is by me directing the Deputy Registrar to execute all requisite documents and instruments so that the suit land may be transferred to the applicants. I therefore hereby direct the Deputy Registrar of this court to sign all instruments and ensure that the suit land is transferred into the collective names of the applicants.

5. I make no orders as to costs.

6. It is so ordered.

Dated, signed and delivered in open court at Nakuru this 8th day of February 2017.

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU

In presence of :

Mr L M Karanja holding brief for Mr. Morintat for the applicants

N/A on part of the respondent

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU