



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT OF KENYA**

**AT KERICHO**

**CIVIL SUIT NO. 43 OF 2000**

**BENJAMIN KIPSIGEI ARAP CHUMEK.....PLAINTIFF**

**VERSUS**

**REUBEN CHERUIYOT CHEPKWONY.....DEFENDANT**

**RULING**

***(Application to have Deputy Registrar execute transfer forms; judgment already entered for applicant; application allowed)***

1. The application before me is that dated 24 June 2016 filed by the plaintiff. It seeks orders to have the Deputy Registrar sign the mutation forms and the transfer forms in respect of the **land parcel Kericho/Kaitet/443**.

2. The suit herein was filed on 20 July 2000 by way of an Originating Summons vide which the applicant sought to be declared owner of 8 acres out of the **land parcel Kericho/Kaitet/443** by way of adverse possession. The suit was heard, and through a judgment delivered on 26 February 2016, I entered judgment for the applicant and held that he has succeeded in his claim for 8 acres of the suit property.

3. Through this application, the applicant has averred that despite the judgment, the respondent has refused to subdivide the land and transfer the 8 acres to him.

4. The respondent has not replied to this application. Neither have I seen any indication that he would wish to appeal the judgment. There is really no reason why the respondent has refused to sign the mutation and transfer forms to the applicant. So that the applicant may enjoy the fruits of this judgment, I do allow this application and order the Deputy Registrar to execute all the requisite documents necessary to have the applicant get title to his 8 acres in accordance with the judgment of 26 February 2016. The applicant shall also have the costs of this application.

5. It is so ordered.

**Dated, signed and delivered in open court at Kericho this 3<sup>rd</sup> day of February 2017**

**MUNYAO SILA**

**JUDGE**

**ENVIRONMENT & LAND COURT**

**KERICHO**

**PRESENT;**

Mr. Joshua Mutai for the Plaintiff/applicant

Defendant acting in person – Absent

Court Assistant; Wambany