

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT NAKURU

CASE No. 265 OF 2013

AUGUSTINE KIMUTAI SANGPLAINTIFF

VERSUS

PAUL K. KOSGEIDEFENDANT

RULING

1. This matter is scheduled for judgment today. In the course of considering the matter, I noted that the plaintiff is seeking specific performance of sale agreement dated 26th June 2005.
2. The said agreement is in respect of land measuring 1 acre to be lived off plot number Molo South/Keringet Block 3/76. Neither a copy of the title deed nor a certificate of search in respect of the plot has been produced as an exhibit. Whereas the plaintiff's case is that the said plot is owned by the defendant, the court needs to ascertain whether the property truly belongs to the defendant. I therefore order that the plaintiff produces a copy of the title of the property and a current certificate of search.
3. I therefore re-open the case to enable the plaintiff produce the said documents. The defendant is also at liberty to attend court and make any representations that he may wish to make about the case.
4. I will give a mention date immediately upon delivery of this ruling so as to give directions on the way forward.

Dated, signed and delivered in open court at Nakuru this 31st day of May 2017.

D. O. OHUNGO

JUDGE

In the presence of:

Mr. Ombui for the plaintiff

No appearance for the defendants

Court Assistant: Gichaba