



**Nduva v Kurrarru & 2 others (Environment & Land Case
843 of 2017) [2024] KEELC 4025 (KLR) (30 April 2024) (Ruling)**

Neutral citation: [2024] KEELC 4025 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT & LAND CASE 843 OF 2017
MN GICHERU, J
APRIL 30, 2024**

BETWEEN

PATRICK KIVAI NDUVA PLAINTIFF

AND

NOAH MORERIA OLE KURRARRU 1ST DEFENDANT

COOPERATIVE BANK OF KENYA 2ND DEFENDANT

JAMES MAINA MBURU 3RD DEFENDANT

RULING

1. This ruling is on the notice of motion dated 24/5/2022. The motion seeks for one main order as follows.
2. That this court do issue orders directing the Land Registrar Kajiado to cancel the nullified entries of the fraudulent transfer to the 1st judgment debtor and charge to the 2nd defendant in the green card and issue title deed No. Kajiado/Kitengela/17105.
2. The motion is premised on three (3) grounds and a supporting affidavit dated 24/5/2022 which has one annexure. In brief the motion urges as follows.

Firstly, the plaintiff has made many attempts to trace the judgment debtor without success.

Secondly, the Land Registrar has said that there is no order directed to him to effect the much desired transfer as a consequence of which nothing has been done to give effect to the judgment.

Finally, there is no appeal or stay of execution to stop the plaintiff from enjoying the fruits of his judgment.



3. The motion is unopposed by any of the three (3) defendants. Having considered the motion in its entirety, I find that it has merit and I allow it in order to give effect to the judgment dated 16/9/2021 so that the plaintiff may enjoy the fruits of his successful litigation.

It is so ordered.

DATED SIGNED AND DELIVERED AT KAJIADO VIRTUALLY THIS 30TH DAY OF APRIL 2024.

M.N. GICHERU

JUDGE

