Mwangi v Director, National Transport & Safety Authority (Miscellaneous Civil Application E050 of 2024) [2024] KEHC 13742 (KLR) (30 October 2024) (Ruling)

Neutral citation: [2024] KEHC 13742 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT KIAMBU

MISCELLANEOUS CIVIL APPLICATION E050 OF 2024

DO CHEPKWONY, J

OCTOBER 30, 2024

BETWEEN

WINFRED WAMBUI MWANGI ..... APPLICANT

AND

THE DIRECTOR, NATIONAL TRANSPORT & SAFETY AUTHORITY ..... RESPONDENT

RULING

1. This matter is for mention for parties to take directions on the Chamber Summons application dated 13th May, 2024.

2. Upon listening to counsel for the Applicant, Mr. Thuma, it is indicated that despite having been served with the said application, the Respondents have never entered appearance or filed a response. He thus prays that the application be allowed as prayed.

3. The Chamber Summons application dated 13th May, 2024 seeks for orders that:-

   a. Spent.

   b. The court be pleased to issue a vesting order to compel the Director, National Transport & Safety Authority (NTSA) to transfer Motor Vehicle Registration No.KBU XXXX to the Applicant and to issue the Applicant with a duplicate logbook for the vehicle to effectively vest ownership of the said Motor Vehicle to the Appellant.

4. The application is premised on the grounds set out in the affidavit sworn by Winfred Wambui Mwangi on even date.

5. Despite having been served with the application and hearing Notice, the Respondent and or their counsel have not filed any response nor attended court for the same.

6. In view of this, the application is hereby deemed as unopposed. In the circumstances, the Chamber Summons application dated 13th May, 2024 be and is hereby allowed as prayed in the following terms:-

   a. The a vesting order be and is hereby issued compelling the Director, National Transport & Safety Authority (NTSA) to transfer Motor Vehicle Registration No.KBU XXXX to the Applicant and to issue the Applicant with a duplicate logbook for the vehicle to effectively vest ownership of the said Motor Vehicle to the Appellant.

   b. Costs to be in the cause.

   It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 30TH DAY OF OCTOBER, 2024.

D. O. CHEPKWONY

JUDGE

In the presence of:-

Mr. Mwangi counsel for 2nd Respondent

Court Assistant - Martin