



**Chege v Njuguna (Environment & Land Case E11 of 2023)  
[2023] KEELC 18280 (KLR) (21 June 2023) (Ruling)**

Neutral citation: [2023] KEELC 18280 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAKURU  
ENVIRONMENT & LAND CASE E11 OF 2023**

**A OMBWAYO, J  
JUNE 21, 2023**

**BETWEEN**

**TERESIA WANJIRU CHEGE ..... APPLICANT**

**AND**

**ANN NJERI NJUGUNA ..... RESPONDENT**

**RULING**

1. Teresia Wanjiru Chege hereinafter referred to as the plaintiff has come to court under section 155 and 157 1(a) (b) and (c) of the Land Act No.6 of 2022 and order 37 rule 1 (f) of the Civil Procedure Rules 2010. The plaintiff prays for orders that:-
2. That applicant be declared the legal owner of the land parcel Bukira/Buhiri Munono 901,980,5892 and 63965 all situated in Isebania.
3. The cancelation of the title deeds of Bukira/Buhiri Munono 901, 980,5892 and 63965 registered in the names of the respondent and direct the same be registered in the names of the applicant.
4. A permanent injunction restraining the respondent, her agents, servants and employees from entering, remaining or developing or in any way interfering with L.R Bukira/Buhiri Munono 901, 980, 5892 and 63965.
5. That the defendant be charged with intermeddling, forgery, unlawful occupation and concealing deeds contrary to section 45 of the law of succession Act, 288 and 349 of the Penal Code and 155 & 157 of the land Act respectively.
6. Any further or other relief this court may deem fair and just to grant. Costs of this application be provided for.
7. In the supporting affidavit the applicant states that she was married to Joseph Njuguna Chege until his demise on April 9, 2016. That after his death she applied for the death certificate to facilitate the



application of letters of Administration intestate for the estate of Joseph Njuguna Chege. That after the application of the letters of administration, she was granted the same as the administrator of the Estate. That after the confirmation of the grant the process began for the properties of the deceased to revert to her as the administratrix of his estate. These properties were: Bukira/ Buhiri Munono 5892 and Bukira/ Buhiri Munono 980.

8. That Ann Njeri Njugijna fraudulently obtained the two property titles in her name as the legal owner. That land parcel number Bukira/Buhiri Munono 5892 belonged to her late husband, however, the title was not processed at the time of his demise, she instructed Ann Njeri Njuguna to follow it up and ensure her name reflects on the title (Teresia Wnjiru Chege). That Ann Njeri Njuguna fraudulently obtained the title of Bukira/ Buhiri Munono 5892 in her name as the legal owner as opposed to mine.
9. That on diverse dates in 2022 she gave Ann Njeri -Njuguna Six Hundred thousand Shilings (Kshs.600,000) from her Equity bank account and Two Million, Nine Hundred Thousand shillings (Kshs.2.900,000) cash to purchase a parcel of land they had earlier scouted known as Bukira/Buhiri Munono 6395. That the said parcel of land is 5<sup>1</sup>/<sub>2</sub> plots of 50 by 100 plots of land. Her agreement with Ann Njeri Njuguna was that 5 plots would be hers and the <sup>1</sup>/<sub>2</sub> hers. However, after purchasing the said land she found out that she was registered as the owner of all of the plots of land with three titles already processed in her name and two still pending. After realizing this she reported the matter to their local chief who issued a letter. That after discovering the intermeddling, unlawful occupation and fraud committed by Ann Njeri Njugijna, she registered a caution for parcels number:  
  
Bukira/ Buhiri Munono 5892  
  
Bukira/ Buhiri Munono 980  
  
Bukira/ Buhiri Munono 901  
  
Bukira/Buhiri Munono 6395 to stop her from developing or disposing the said parcels.
10. She seeks to obtain back ownership of parcels of land that she bought and others being part of Joseph Njuguna Chece's Estate that Ann Njeri Njuguna fraudulently obtained.
11. I have perused the application and the documents on record and do find that the suit properties are in Isebania within the area of jurisdiction of Migori Environment and Land Court. I do transfer this suit to Migori ELC court in the cause.

**RULING DATED, SIGNED AND DELIVERED VIRTUALLY AT NAKURU THIS 21<sup>ST</sup> DAY OF JUNE 2023**

**A O OMBWAYO**

**JUDGE**

