



In re Darius Omai Obegi (Environment & Land Miscellaneous Case E137 of 2023) [2023] KEELC 18461 (KLR) (15 June 2023) (Judgment)

Neutral citation: [2023] KEELC 18461 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND MISCELLANEOUS CASE E137 OF 2023**

**LN MBUGUA, J
JUNE 15, 2023**

**IN THE MATTER OF
DARIUS OMAI OBEGI APPLICANT**

JUDGMENT

1. This miscellaneous suit was filed by way of *ex parte* Originating Summons dated May 29, 2023. The Applicant is seeking the following orders:
 - i. That the Applicant be and is hereby permitted and given consent by this honorable Court to sell the property Title No Nairobi/Block 148/860 (formerly LR No 1160/1147);
 - ii. That the Applicant shall apply the sale proceeds thereof by re-investing the same for his benefit as well as for the Minor's benefit and to cater for the Minor's school fees and his general wellbeing and upkeep; and
 - iii. That the costs of and incidental to the sale and the costs of and incidental to this application be realized from the proceeds of the sale thereof;
2. The suit is premised on the grounds on the face of the application and the Supporting Affidavit of the applicant. He avers that he acquired the suit property on August 17, 2016 as an investment for himself and the minor, hence the registration of the property in his name and the name of the minor.
3. The applicant contends that he intends to use the proceeds of sale by re-investing the same for his own benefit and for the benefit of the minor.
4. I have considered the pleadings and the issues raised herein. I find that the applicant has availed documents which gives an account of how the land came to be registered in his name and in trust for the minor. In particular, this court has given due consideration to the Transfer Documents dated July 25, 2016 which is consistent with sale agreement dated July 12, 2016 and the particulars of registration captured in the title as entry No 2 and 3. In the circumstances, the suit is allowed in terms of prayer No 1, 2. Prayer 3 is disallowed as these are *ex parte* proceedings. Thus on costs, I grant No Orders.



DATED, SIGNED AND DELIVERED AT NAIROBI THIS 15TH DAY OF JUNE, 2023 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:-

Ondiek for Applicant

Court Assistant: Philis

AMENDED AND SIGNED AT NAIROBI THIS 5TH DAY OF JULY 2023

LUCY N. MBUGUA

JUDGE

