



REPUBLIC OF KENYA



**Shoka v Ndoro & 3 others (Environment & Land Case  
64 of 2008) [2025] KEELC 3532 (KLR) (30 April 2025) (Ruling)**

Neutral citation: [2025] KEELC 3532 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MALINDI  
ENVIRONMENT & LAND CASE 64 OF 2008**

**FM NJOROGE, J**

**APRIL 30, 2025**

**BETWEEN**

**JONATHAN MSUKO SHOKA ..... PLAINTIFF**

**AND**

**SAMUEL GONA NDORO ..... 1<sup>ST</sup> DEFENDANT**

**JOSEPH KADENGE NDORO ..... 2<sup>ND</sup> DEFENDANT**

**EDWARD MZEE KAREZI ..... 3<sup>RD</sup> DEFENDANT**

**DAVID NYIRO NDORO ..... 4<sup>TH</sup> DEFENDANT**

**RULING**

1. The application dated 5<sup>th</sup> August 2021 has been placed before this this court for determination. I have perused the same. It is seeking the following orders:
  - a. That Jonathan Msuko Shoka do sign or execute mutation forms transfer and any other document to enable Samuel David Ndoro Joseph Kadenge Ndoro and David Nyiro Ndoro obtain title deeds for the respective portions of title number Kilifi/Ngerenyi/621;
  - b. That alternatively the documents referred to in one above be signed or executed by the Deputy Registrar or any officer of this honorable court;
  - c. That the respondent do bear the costs of this application.
2. The application is premised on the grounds at its foot and in the supporting affidavit of the third defendant applicant. Briefly the grounds are that the respondent is the registered proprietor of the suit land as per the records in the land office; that there are exists an award by the Land Disputes Tribunal and a judgment of the Magistrate's court to that effect; that Jonathan Msuko Shoka, the plaintiff/respondent filed this case as well as Malindi Petition Number 5 Of 2013 which suit and petition were



dismissed; that Jonathan subsequently declined to execute or sign the mutation forms; that the land has been subdivided pursuant to the Tribunal Award and Judgment of this court but the process of issuance of title cannot be complete without execution by Jonathan of the requisite forms.

3. I have confirmed from the CTS that there were attempt by both parties to upload onto this system documents 19<sup>th</sup> August 2024, 18<sup>th</sup> February 2025 and 4<sup>th</sup> April 2025. This court has however not been able to access these documents for perusal in the preparation of the ruling on the application dated 5/8/2021 because either they are not in a downloadable format or that they utterly failed to load at the instance of their filers. This Court is aware that the respondent's counsel indicated on 18<sup>th</sup> February 2025 that she had filed a replying affidavit that morning and it is on that basis that the ruling date on the application dated 5<sup>th</sup> August 2021 was set for today.
4. This court finds it improper to deliver a ruling based only on the application and the submissions of the applicant alone whereas the appears that a document from the respondent may have failed to load on 18<sup>th</sup> February 2025. That may further protract the proceedings herein. Consequently, the ruling on the application dated 5/8/2025 shall not be delivered as scheduled. Instead this matter shall be listed for a mention on 14<sup>th</sup> May 2025 for the purpose of receiving the physical copies of the response and the submissions, if any, on the same application. Copies shall still be uploaded. A ruling date on the said application shall be issued then.

**DATED, SIGNED AND DELIVERED AT MALINDI VIA ELECTRONIC MAIL ON THIS 30<sup>TH</sup> DAY OF APRIL 2025.**

**MWANGI NJOROGE**

**JUDGE, ELC, MALINDI.**

