

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL DIVISION

MISC CAUSE NO 506 OF 2014 (O.S.)

IN THE MATTER OF MOTOR VEHICLE REGISTRATION NO KBJ 089 V

BETWEEN

CIC GENERAL INSURANCE CO LTD.....APPLICANT

AND

INSPECTOR-GENERAL OF POLICE.....RESPONDENT

RULING

1. One **Edna Njeri Kamau** (herein after called **Njeri**), was at the material time insured by the Applicant herein, **CIC General Insurance Co. Ltd.**, against the loss of her car registration number **KBJ 089 V**, a **Toyota Caldina** station wagon. In October 2011 the motor vehicle was stolen at Githurai in Nairobi. In due course the Applicant compensated Njeri for the value of the motor vehicle. Happily, the motor vehicle was eventually recovered and is being held by the police.

2. The Applicant has now applied by **originating summons dated 18th June 2014** for a declaration that the motor vehicle is now the property of the Applicant and for an order directing the Respondent to release the motor vehicle to the Applicant.

3. On 15th July 2014 Njeri appeared before the court and stated that she no longer has any interest in the motor vehicle because she was compensated for the value thereof by the Applicant. She had no objection to the orders sought by the Applicant. The Respondent (the **Inspector-General of Police**) did not file any papers in response to the originating summons.

4. In these circumstances, I find absolutely no reason to deny the Applicant the declaration and order sought. I will allow prayers 2 and 3 of the originating summons with no orders as to costs of the originating summons. Those will be the orders of the court.

DATED AND SIGNED AT NAIROBI THIS 28th DAY OF JULY 2014

H.P.G. WAWERU

JUDGE

DELIVERED AT NAIROBI THIS 30TH DAY OF JULY 2014