



**Kawaki Holdings Limited v Land Registrar, Kajiado & another (Environment and Land Miscellaneous Application 28 of 2021) [2022] KEELC 2305 (KLR) (24 May 2022) (Ruling)**

Neutral citation: [2022] KEELC 2305 (KLR)

**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT KAJIADO**  
**ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION 28 OF 2021**  
**MN GICHERU, J**  
**MAY 24, 2022**  
**IN THE MATTER OF RECTIFICATION OF REGISTER IN RESPECT OF**  
**TITLE NUMBERS KAJIADO/KAPUTEI –NORTH/17630 AND 17631**

**BETWEEN**

**KAWAKI HOLDINGS LIMITED ..... APPLICANT**

**AND**

**LAND REGISTRAR, KAJIADO ..... 1<sup>ST</sup> RESPONDENT**

**SOPHIE LORREN OUMA ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. This ruling is on the Notice of Motion dated 4<sup>th</sup> April, 2021. It is by Kawaki Holdings Limited, the Applicant and seeks for two (2) orders namely;
  - (i) That the Land Registrar Kajiado be compelled to rectify the register in regard to Title Numbers Kajiado/Kaputei-North/17630 and 17621 registered in the name of second Respondent by cancelling the said entry.
  - (ii) Such further or other orders as are necessary to give efficacy to the orders of this Court including an order directing the Land Registrar not to effect or process the registration of a transfer to any party other than the Applicant in respect of the same parcels pending the hearing and determination of the suit.
  - (iii) Costs of this application.
2. The said motion is supported by an affidavit sworn by Josephine Wambui Karanja, a director of the Applicant in which she deposes that the Applicant is the registered proprietor of the suit parcels which were obtained from Liberty Homes Limited in 2005.



In September 2017, a search of the suit property revealed that the same had been registered in the name of Sophie Lorren Ouma. This registration was fraudulent. It also came to the attention of the directors and shareholders of the Applicant that the company's directorship had been changed without the consent or knowledge of the directors and shareholders.

Upon complaint by the Directors of the Applicant the Registrar of Companies reversed the illegal change of Directorship of the Applicant Company.

3. The directors of the Plaintiff wrote to the Land Registrar Kajiado requiring to know how the land in question came to be transferred to the second Respondent. The Land Registrar did not respond.
4. I have carefully considered the application in its entirety and I make the following findings;
  - 1) Firstly, the nexus between this case and ELC 704 of 2017 Kajiado is not explained. The material on record in this case does not show the nexus.
  - 2) Secondly, it is not explained why the orders sought in this case could not be enforced through ELC No. 704/2017.
  - 3) Thirdly, the relationship between the parcels in this case and plot No. 3009/Residential – Noonkopir Trading Centre is not proved or explained.
  - 4) Fourthly, the Applicants have not adduced sufficient evidence to prove that they own the suit parcels and that they acquired them lawfully. Such evidence should have included an agreement for sale of land mentioning the suit premises, consent of the Land Control Board, transfer forms duly executed by the buyer and the seller and evidence of payment of stamp duty.

With all these unanswered questions, the Applicant has not proved that it is entitled to the orders sought.

I therefore dismiss the Notice of Motion dated 4<sup>th</sup> April, 2021.

**DATED SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 24<sup>TH</sup> DAY OF MAY, 2022.**

**M.N. GICHERU**

**JUDGE**

