



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

MISC. CIVIL APPLICATION NO. 22 OF 2013

IN THE MATTER OF: THE WAKF OF AMINA ABDULREHMAN

(DECEASED)

AND

IN THE MATTER OF: PLOT NO. 140/I/MN

AND

IN THE MATTER OF: AN APPLICATION FOR DISSOLUTION OF

THE WAKF OF AMINA ABDULREHMAN

(DECEASED)

BETWEEN

SHEIKH NASSOR M. NAHDY.....APPLICANT

VERSUS

THE WAKF COMMISSIONERS.....RESPONDENT

RULING

Before court is the Notice of Motion dated 9th July, 2013 brought under certificate of urgency. The applicant who is the administrator of the estate of the late **AMINA ABDULREHMAN** seeks orders *inter alia*

“2. THAT this Honourable court be pleased to

dissolve the WAKF of AMINA ABDULREHMAN (DECEASED) created on the 8th day of July, 1911 registered in the Mombasa Registry as C.R. 6661 on all that property known as subdivision number 140, section I Mainland North.

3. THAT this Honourable court be pleased to declare the WAKF of AMINA ABDULREHMAN (DECEASED) as null and void.

4. THAT this Honourable court be pleased to issue such other orders it deems just and convenient to meet the ends of Justice.”

The application is supported by the affidavit of the applicant. I have carefully considered the application, the supporting affidavit as well as the annexures in support. I also take into consideration the provisions of section 4(1)(a) of the WAKF Commissioners Act, Cap 109, Laws of Kenya. I note that despite having been properly served with notice of this application, the WAKF Commissioners have made no reply thereto. The application therefore remains for all interests and purposes uncontested. I am satisfied that the application has merit and I do hereby allow the same in terms of prayers (2) and (3) thereof. No order on costs.

Dated and delivered in Mombasa this 13th day of August, 2013.

M. ODERO

JUDGE

In the presence of:

Mr. Egunza for Applicant

Court Clerk Mutisya