



**IN THE MATTER OF: REGISTRATION OF TITLES ACT CAP 281**

**AND**

**IN THE MATTER OF: AN APPLICATION FOR ENFORCEMENT OF TRANSFER OF  
PROPERTY**

**SALMA MOHAMED**

**ABDULLA.....APPLICANT**

**V E R S U S**

**SANDEEP PRAVINCHANDRA**

**SHAH.....RESPONDENT**

**JUDGMENT**

These proceedings are brought by way of Originating Summons dated 27<sup>th</sup> January 2011 in which the Plaintiff prays-

***(a) That this Honourable Court do hereby order and compel the Respondent herein, SANDEEP PRAVINCHANDRA SHAH transfer (sic) property known as L.R. No. MN/1/9726 (Orig. No. 9677/49) being C.R. No. 29991 within fourteen (14) days from the date of the order to the Applicant herein.***

***(b) That this Honourable Court do order the High Court Deputy Registrar to sign the transfer on behalf of the SANDEEP PRAVINCHANDRA SHAH in case of default by him in favour of SALMA MOHAMED ABDULLA.***

The Summons are not opposed and the Plaintiff gave viva voce evidence. She told Court that vide a Sale Agreement dated 22<sup>nd</sup> October 2001 (Exhibit 1) she bought all that land known as L.R. No. MN/1/9726 from the Defendant at a consideration of Kshs. 1,200,000/- which had been duly paid at the time of making the agreement.

On that land stood a residential house which the Plaintiff took possession. She currently leases it out and collects rent. Her difficulty is that the property has not been formally transferred to her as she cannot trace the Defendant. She is told that the Defendant may have relocated to India.

The Court was shown a Certificate of Postal Search (Exhibit 2) for the property which is still registered in the name of the Defendant. The Plaintiff assured this Court that no other person lays a claim on the property and that it is truly hers.

I am satisfied that the Plaintiff has demonstrated that she is deserving of the prayers sought. She bought the house and fully paid for it. She thereafter took possession and is enjoying rental income therefrom. She deserves to get title to this property so that she can fully enjoy the proprietary rights that

come with it.

I allow the Originating Summons dated 26<sup>th</sup> January 2011 in its entirety. No order on costs.

***Dated and delivered at Mombasa this 28<sup>th</sup> day of August, 2012.***

**F. TUIYOTT  
JUDGE**

**Dated and delivered in open court in the presence of:-**

**Gichira for the Plaintiff**

**No appearance for the Defendant**

**Court clerk - Moriasi**

**F. TUIYOTT  
JUDGE**