

REPUBLIC OF KENYA

High Court at Kisumu

Civil Suit 107 of 2011

EMMY LYAVULI KIGGUNDU.....PLAINTIFF

VERSUS

CHIEF LAND REGISTRAR.....1ST DEFENDANT

ATTORNEY GENERAL.....2ND DEFENDANT

R U L I N G

The plaintiff dated 15-6-2012 is not opposed. The same prays for an order that the Chief Land Registrar to sign a transfer on behalf of Fairfax Bell in relation to land parcel No. Sirwa/Wandu/1763/2.

The applicant Emmy Lyavuli Kiggundu is the administrator of the estate of her father the late Joseph Adede Litu. The deceased had purchased the 100 acres piece of land from one Fairfax Bell who left the country in 1971 and later died. There is a sale agreement dated 23-3-1971.

The deceased equally died on 23-9-1974 before having the land transferred to him.

The applicant sought and got a grant confirmed in respect to the said estate on 5-6-2009. The defendant did file a defence which in my opinion is a mere generalities. and denial. There is also a letter dated 28-3-2011 from the Attorney General office to the permanent secretary Ministry of Lands seeking further clarification in respect to the notice by the plaintiff. The same seemed to have not elicited any response.

Consequently, and in the absence of any credible response from the defence I do allow the application and order that:-

(a)The Chief Land Registrar do sign a transfer on behalf of Fairfax Bell (deceased) in respect of land parcel No. Original L.R. No. 1763 and sub divided into L.R. No. Sirwa/Nandi/1763/2 and issue title deed in the name of Emmy Lyavuli Kiggundu.

(b)Costs in the cause.

Dated, signed and delivered at Kisumu this 14th day of November 2012

**H.K. CHEMITEI
JUDGE**

In the presence of:

N/A for the plaintiff

N/A for the defendant

HKC/va