



**Mwangi & 2 others (Suing by themselves and o behalf of others) v
Naro-Moru Enterprises Ltd & 2 others (Environment & Land Case
E012 of 2021) [2025] KEELC 3125 (KLR) (4 April 2025) (Judgment)**

Neutral citation: [2025] KEELC 3125 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NYERI
ENVIRONMENT & LAND CASE E012 OF 2021**

**JO OLOLA, J
APRIL 4, 2025**

BETWEEN

**EDWARD MACHARIA MWANGI 1ST PLAINTIFF
MARY WAMBUI MUGO 2ND PLAINTIFF
NANCY WAMBUI MURAGURI 3RD PLAINTIFF
SUING BY THEMSELVES AND O BEHALF OF OTHERS**

AND

**NARO-MORU ENTERPRISES LTD 1ST DEFENDANT
REGISTRAR OF TITLES 2ND DEFENDANT
ATTORNEY GENERAL 3RD DEFENDANT**

JUDGMENT

Background

1. By a Plaint dated 13th May 2021, the three (3) Plaintiffs suing on their own behalf and on behalf of 92 other individuals pray for an order that the 2nd Defendant do issue title to themselves and/or their nominees in accordance with a list they have filed in court.
2. That prayers arises from their claim that on diverse dates from the year 1998 upto the year 2005, they individually purchased various parcels of land that were created following the sub-division of LR. No. Naro-Moru/Naro-Moru/Block ¾ (originally known as parcel No. 12145) from the 1st Defendant. It is the Plaintiffs case that they fully paid for their respective portions and were given possession of land parcel No. 23174/9 to 23174/118 where each of them occupy their respective portions.



3. The Plaintiffs aver that after making the said payments, the directors of the 1st Defendant and their agents disappeared and they are unable to trace them or obtain their details.
4. In a Statement of Defence dated 10th January 2022, Naro Moru Enterprise Ltd (the 1st Defendant) denies any involvement with the Plaintiffs concerning the suit property.
5. The Registrar of Titles and the Attorney General (the 3rd and 4th Defendants respectively) equally deny the Plaintiffs' claim. The two deny that the Plaintiffs visited the Registrar of Companies and that the details of the directors were unavailable.
6. In support of their case, the Plaintiffs called three (3) witnesses at the trial. The Defendants did not call any witness.

Analysis and Determination

7. I have carefully perused and considered the pleadings filed herein, the testimonies of the witnesses as well as the evidence adduced at the trial. I have similarly perused and considered the submissions placed before the court by the Learned Counsels representing the parties.
8. By their suit as filed herein, the Plaintiffs assert that on diverse dates between the year 1998 and 2005, they did individually purchase various parcels of land that were created after the sub-division of the parcel of land known as LR. No. Naro Moru/Naro Moru Block ¾ (originally parcel No. 12145) from the 1st Defendant. It is their case that when they went to follow up on the status of their leases at the 1st Defendant's Advocates Offices, they were told that the Scheme was no longer there.
9. The Plaintiffs told the court that upon being turned down by the said Advocates, they proceeded to the Lands Office where they found various leases that had been prepared in the name of the 1st Defendant Company. Thereafter, the Plaintiffs proceeded to the offices of the Registrar of Companies to try and trace the Directors of the Company but were unable to get any assistance.
10. The 1st Defendant filed a Statement of Defence dated 10th January, 2022 in opposition to the suit. It was the 1st Defendant's case that it is a stranger to the averments made by the Plaintiff and that it had no dealing with them over the said parcels of land.
11. In support of their case, the 95 Plaintiffs called three (3) witnesses. The witnesses reiterated the Plaintiffs case as stated in their pleadings. It was their case that between the years 1998 and 2005 they had individually purchased their parcels of land from a Company known as Naro Moru Enterprises Ltd.
12. As it turned out, until the year 2021, there were no records of a Company known by the said name registered in the Company's Registry. From the material placed before the court, it was evident that the Naro Moru Enterprise Ltd that was served with the summons herein was a Company incorporated on 2nd March 2010, some five (5) years, after the Plaintiffs are said to have completed their purchases of the land.
13. It was telling that while the Plaintiffs stated that they had been dealing with the company named as the 1st Defendant herein, they did not give the name of any official or director of the said Company. In a letter dated 4th April 2017, the Law Firm Wanjiru Mwai & Company Advocates confirmed that they had ceased acting for the entity that had purported to sell the land and known as Naramoru Enterprise Ltd in the year 1999.
14. From the material placed before the court, it was apparent that the Plaintiffs had not done sufficient due diligence to establish the identity of the people that they had been dealing with. They entered into



sale agreement with an entity whose legal standing they did not first establish and they had now come to court seeking to compel the Registrar of Titles and the Honorable the Attorney General to issue them with titles.

15. I was not persuaded that in a claim such as this where the Plaintiffs have failed to link the 1st Defendant whom they have sued and served with court papers to the alleged sale transaction the 2nd and 3rd Defendants were under any legal obligation to transfer any property to the Plaintiffs.
16. In the premises, I am not persuaded that the Plaintiffs have proved their case on a balance of probabilities. This suit is accordingly dismissed with no order as to costs.

JUDGEMENT DATED, SIGNED AND DELIVERED IN OPEN COURT AND VIRTUALLY AT MOMBASA THIS 3RD DAY OF APRIL, 2025

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J.O. OLOLA

JUDGE

In the presence of:

- a. Ms. Firdaus Court Assistant.
- b. Mr. Nyakundi Advocate for the Plaintiffs
- c. M/s. Nyambura holding brief for Mumbi Kiarie Advocate for the 2nd and 3rd Defendants
- d. No appearance for the 1st Defendant

