



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

(Coram: Ojwang, J.)

MISC. CIVIL APPLICATION NO. 240 OF 2001 (OS)

IN THE MATTER OF: THE WAKF OF LIWALI SALIM BIN KHALFAN

-AND-

IN THE MATTER OF: AN APPLICATION BY SALIM SOUD ALI FOR HIS APPOINTMENT
AS A TRUSTEE OF THE

WAKF IN RESPECT OF PLOT NO. 27/V/M.N. IN PLACE OF SAID BIN SEIF (NOW
DECEASED)

RULING

The applicant moved the Court by Chamber Summons dated **28th January, 2011** and brought under Order XXX, rule 13 of the Civil Procedure Rules. This *ex parte* application carried the following prayers:

- (i) *that the trust property comprised in the title known as Mombasa/Block XXX/145, Makadara Road do vest in **Salim Soud Ali** as Trustee of the estate of **Liwali Salim Bin Khalfan**;*
- (ii) *that the said Trustee **Salim Soud Ali** be and is hereby authorized to withdraw the moneys lying at the Mombasa Branch of Standard Chartered Bank of Kenya Limited, Treasury Square Branch, Mombasa in Current Account No. 01020-477001-00 in the name of **Seif Bin Said** a/c Estate of Late **Liwali Salim Bin Khalfan**;*
- (iii) *that the said Trustee **Salim Soud Ali** be and is at liberty to open fresh accounts in any Bank or Banks in Mombasa in the name of **Salim Bin Soud** as Trustee aforesaid, with power to operate the same as he deems proper and expedient in his sole discretion for the purposes of the Trust and its aforesaid*

property;

(iv) that costs be paid out of the Trust income.

The applicant depones, in the supporting affidavit, that he is duly constituted a Trustee of the trust of **Liwali Salim Khalfan**, in respect of the trust land comprised in the title, Mombasa/Block XXX/145, Makadara Road, Mombasa; and that the Trust has a Bank account — Current Account No. 01020-477001-00 at Standard Bank Kenya Limited, Treasury Square Branch, Mombasa in the name of **Seif bin Said** a/c Estate of **Liwali Salim bin Khalfan**. He depones that **Seif bin Said** had always lived in Muscat and was not a Trustee.

Upon hearing the submissions by learned counsel, **Mr. Mushelle** (holding brief for **Mr. Khatib**) and after examining the relevant documents lodged on file, I make this **Order** allowing each of the four prayers above set-out.

Orders accordingly.

DATED and DELIVERED at MOMBASA this 6th day of May, 2011.

J. B. OJWANG

JUDGE

Coram: **Ojwang, J.**

Court Clerk: **Ibrahim**

For the Applicant: **Mr. Mushelle**