



**John & 4 others v Omony; Chairperson, Limuru Lands Control Board
& another (Interested Parties) (Environment & Land Miscellaneous
Case E001 of 2024) [2025] KEELC 3255 (KLR) (3 April 2025) (Ruling)**

Neutral citation: [2025] KEELC 3255 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT THIKA
ENVIRONMENT & LAND MISCELLANEOUS CASE E001 OF 2024**

JM ONYANGO, J

APRIL 3, 2025

BETWEEN

**OKOTH AKUMU JOHN 1ST APPLICANT
KAYUGIRA LINCOLN ILATSIA 2ND APPLICANT
PATRICK ESENDI MASITSA 3RD APPLICANT
SYMON KIEME THUO 4TH APPLICANT
ASHIOYA LABAN ETINDI 5TH APPLICANT**

AND

MATHEW MOHAMMED OKUSIMBA OMONYO RESPONDENT

AND

**CHAIRPERSON, LIMURU LANDS CONTROL BOARD . INTERESTED PARTY
KIAMBU COUNTY LAND REGISTRAR INTERESTED PARTY**

RULING

1. What is before the court is the application dated 9th January 2024 brought by way of originating summons seeking the following orders:
 1. That the trust created and bestowed on the Respondent on all that piece of land known as Land Reference Number Ndeiya/ Makutano/2153 be dissolved.
 2. That the property known as L. R No. Ndeiya/ Makutano/2153 be jointly owned by the 1st, 2nd, 3rd, 4th and 5th Applicants and the Respondent with each having equal share.



3. That the 1st interested party herein be ordered to sign the Land Control Board consent form for sub-division transfer charge or any other dealing with the land on behalf of the Applicants and the Respondent herein.
 4. That the 2nd Interested Party be directed to effect the sub-divisions, transfer or any other dealings on all that land known as L.R No. Ndeiya/ Makutano/2153 in favour of the applicants and the Respondent.
 5. That there be no order as to costs.
2. The application is based on the grounds set out on the face of the originating summons and the Supporting Affidavit of Okoth Akumu John, the 1st Applicant herein, sworn on 9.1.24.
 3. In the said affidavit, the 1st Applicant deponed that in August 2019 he and the other Applicants together with the Respondent purchased the parcel of land know as L.R No. Ndeiya/ Makutano/2153 (hereinafter known as the suit property).
 4. He further depones that upon purchase of the suit property they paid all the relevant taxes and they were issued with a title deed in the name of the Respondent as trustee for the Applicants who are the beneficiaries. He depones that it was not their desire to have the suit property registered as a trust since they contributed equal amounts towards the purchase price. He adds that the registration of the of the suit property as a trust has prevented them from using and enjoying the suit property as intended. It is therefore their intention to have the trust dissolved.
 5. The application as duly served upon the Respondent who appeared in court via Microsoft virtual platform on 3.4.25 and informed the court that he had no objection to the dissolution of the trust.
 6. Having considered the application and supporting affidavit and there being no opposition to the application by the Respondent, the same is hereby allowed in the following terms:
 - a. The trust created and bestowed upon Mathew Mohammed Okusimba Omony, the Respondent herein on all that parcel of land known as L.R No. Ndeiya/ Makutano/2153 is hereby dissolved.
 - b. The property known as Ndeiya/ Makutano/2153 shall be jointly owned by the 1st, 2nd, 3rd, 4th and 5th Applicants together with the Respondent with each of them having an equal share.
 - c. The Interested Party is hereby directed to sing the Land Control Board form for subdivision, transfer charge or any other dealings with the land on behalf of the Applicants and respondent herein upon payment of the requisite fee.
 - d. The Land Registrar Kiambu (2nd Interested Party) is hereby directed to effect the sub-division transfer or any other dealings on all that land parcel known as Ndeiya/ Makutano/2153 in favour of the Applicants and the Respondent.
 - e. There shall be no order as to costs.

DATED, SIGNED AND DELIVERED VIRTUALLY AT THIKA THIS 3RD DAY OF APRIL 2025.

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J. M ONYANGO

JUDGE

In the presence of:



Mr. Onganda for the Applicants

Mathew Mohammed Okusimba Omony present on the virtual platform

Court Assistant: Hinga

