



**Githima Limited v National Land Commission & 5 others (Civil Suit  
305 of 2015) [2022] KEELC 3893 (KLR) (14 July 2022) (Ruling)**

Neutral citation: [2022] KEELC 3893 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MOMBASA  
CIVIL SUIT 305 OF 2015**

**M SILA, J**

**JULY 14, 2022**

**BETWEEN**

**GITHIMA LIMITED ..... PLAINTIFF**

**AND**

**NATIONAL LAND COMMISSION & 5 OTHERS ..... DEFENDANT**

**RULING**

1. On July 24, 2018, this court (Omollo J) issued an order to the Land Registrar, Mombasa, to provide the plaintiff with an official search of the land parcel MN/I/12425, within 30 days. The search was not provided to the plaintiff, and subsequently, the plaintiff, through his counsel, applied to have the Land Registrar summoned to attend court and show cause why the same has not been supplied. I allowed the application by the plaintiff and issued summons to the Land Registrar.
2. On July 12, 2022, Ms Sheila Nasambu Soita, Land Registrar I, in the Mombasa Lands registry, attended court pursuant to the summons. She was sworn and stated that she and her officers have combed the land registry but have not been able to trace any records relating to the title MN/I/12425, CR No 45286. The registry proceeded to write a letter dated 26 June 2022 to the Director of Land Administration, Nairobi, which letter was copied to the Chief Land Registrar, Mombasa, and the Director of Surveys. In the letter, it is mentioned that efforts to trace any record regarding registration of the property MN/I/12425 has not borne any fruit as both deed file and the correspondence files are not available. The letter seeks a confirmation of the person to whom the land was allocated and the supporting documentation. This letter has elicited no reply.
3. From the foregoing, it is apparent that the Land Registrar, Mombasa, is unable to comply with the order of 24 July 2018 through no fault of her own, as the land registry does not have any record of that title. I therefore proceed to discharge the Land Registrar.



4. It is now upon the plaintiff to make an assessment of this information and make a decision on how to move forward with the suit.
5. Orders accordingly.

**DATED AND DELIVERED THIS 14 DAY OF JULY 2022**

**JUSTICE MUNYAO SILA**

**JUDGE, ENVIRONMENT AND LAND COURT**

**AT MOMBASA**

