



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MALINDI**

**MISC. APPLICATION 14 OF 2010(O.S)**

**IN THE MATTER OF: AN APPLICATION FOR THE ISSUE OF A VESTING ORDER IN  
FAVOUR OF**

**MIDLAND COMPANY LTD PURCHASER OF L.R. NO.CHEMBE/KIBABAMSHE/520**

**IN THE MATTER OF: EXECUTION OF THE DECREE IN MALINDI SENIOR PRINCIPAL  
MAGISTRATES CIVIL  
CASE NO. 353 OF 2007 – KATANA KARISA MWAMBIRE =VS=SANTUZZA MELVED  
BILLIOTI**

**AND**

**MIDLAND COMPANY**

**LIMITED.....APPLICANT**

**RULING**

This is an application dated 28<sup>th</sup> April 2010, made by way of originating summons under section 1A, 1B and 3A of the Civil Procedure Act, Order XXI Rules 72, 81 (a) and 83 CPR and section 159 Registered Land Act. It seeks for a vesting order to issue in favour of the applicant as the purchaser of Land Parcel known as Chembe/Kibabamshe/520 sold by public auction by order of the court in Malindi SRMCC No.353 of 2007 Katana Karisa Mwambire V Santuzza Melved Billioti.

The application is supported by the affidavit sworn by Ndolokani Gona Kalama, the director of the applicant herein. He depones that on 13<sup>th</sup> January 2009, he

attended a public auction advertised and conducted by M/s Kinyua and Co. Auctioneers for the sale of LR No.Chember/Kibabamshe/520 measuring approximately 0.3Ha. He was the highest bidder for the said property at Kshs.800,000/- as per the certificate of issue. He paid the full purchase price and was issued with a receipt whose copy is annexed.

There has been no application to set aside the auction and the applicant has already taken possession of the subject parcel of land. From the documents presented to this court, the applicant has sufficiently demonstrated that a sale took place in favour of the applicant and a certificate issued in his favour as the purchaser. I find it appropriate that a vesting order in favour of the applicant as the purchaser of land known as Chembe Kibabamshe/520 and I so order.

Costs of this application be borne by the applicant.

***Delivered and dated this 14<sup>th</sup> day of September 2010 at Malindi.***

**H A OMONDI**

**JUDGE**

Mr Kiarie for applicant