



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT MOMBASA**

**Misc. Civ. Appli. 208 of 2001 (OS)**

**KAI GARI WASHE & 33 OTHERS ..... APPLICANTS**

**A N D**

**THE LEGAL REPRESENTATIVE OF THE ESTATE**

**OF KATHLEEN SHELL MACDONALD (ALSO KNOWN AS**

**SHEILA NORTON ..... DEFENDANT**

**R U L I N G**

There are two separate applications before the court by two applicants – Kai Gari Washe and Chema Ngolanya Mudzi. The applications are made by ex parte chamber summons dated 6<sup>th</sup> June, 2008, and brought under Order XXXVI rules 1, 2 and 3 (2) of the Civil Procedure Rules, and section 3A of the Civil Procedure Act.

The applicants seek vesting orders in respect of some stated plots of land on the basis of a decree of this court dated 11<sup>th</sup> March, 2002. By virtue of that decree, they are entitled to the orders as prayed.

I accordingly make the following orders –

1. That KAI GARI WASHE be and is hereby granted a vesting order for plot subdivision Number 1648/III/MN.
2. That CHEMA NGOLANYA MUDZI be and is hereby granted a vesting order for plot subdivisions Numbers 1650/III/MN and 1651/III/MN.
3. Each applicant do retain a licensed surveyor to re-survey the respective plots for the purpose of

processing new deed plans in respect thereof.

4. The Registrar of Titles, Mombasa, do register the Applicants as the respective proprietors in fee simple of the aforesaid plots.

5. Costs in the cause.

Dated and delivered at Mombasa this 27<sup>th</sup> day of June, 2008.

L. NJAGI

JUDGE