



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)

Civil Case 2193 of 2007

1. Land and Environmental Law Division
2. Subject of main suit:-
 - i. Originating summons – land
 - ii. Registrars of Titles notice to remove caveat LR209/90/13 (IR95328)
 - iii) Plaintiff 1st born son of respondent
Erected hotel and business lodgings in 1984 on respondent land value Ksh.10m
 - iv. Lodged caveat in 2006
3. Application 9 October 2007
 - i) Application to extend caveat – whereby notice given to have it removed by Registrar of titles
 - ii) No respondent from respondent
4. Held: Caveat extended for 45 days.
5. Case law - Nil
6. Advocate:
B.A. Njugi for Njugi B.G. & Co. Advocates for the plaintiff/applicant-present/absent
Miriam Wangai – The defendant/ respondent in person -present /absent

JOHN NJAU GATEHI APPLICANT

VERSUS

MIRIAM WANGARI NJAU RESPONDENT

RULING

1: BACKGROUND TO APPLICATION CHAMBER SUMMONS 9 OCTOBER 2007 SEEKING COURTS ORDERS TO LEAVE CAVEAT REGISTERED AGAINST LAND PARCELS LR 209/90/13 (LR95328)

1. The relationship between John Njau Gatehi the plaintiff applicant herein and Miriam Wangari Njau the defendant/ respondent herein is that of son and mother. The plaintiff is the first born son.
2. In 1984, the plaintiff constructed a hotel/lodge on the ancestral land that is registered in the defendant/respondents name being LR 209/90/13 (IR 95328). The said business is now valued at about Ksh.10 million according to the plaintiff.
3. Sometime in 2006 the said plaintiff acting out of fear, and or possible rumours was that his siblings intended to take the land away and or mortgage the same. This would be a great threat to the statutory of his lodgings. He filed a caveat against the said property.
4. On 2 October 2007 he received a notice from the Registrar of title to that this caveat will be removed within 45 days.
5. The said respondent had given the plaintiff consent to operate the hotel. If the caveat is renounced the original suit land would be in jeopardy.
6. The respondent failed to attend court nor file any affidavit in opposition of the application
7. The plaintiff is prepared to give an undertaking in damages.

II: Held

8. I hold, in absence of no reply to this application that the Registrar of title for land parcel LR 209/90/13 (IR95328) reflect the caveat of the said plaintiffs.
9. That the said caveat accordingly do remain on the register till the determination of the originating summons or not later than 12 months, what ever is first. The security undertaking of Kenya shillings 5 million insurance bond or Bank guarantee letter be filed by the applicant within 30 days.
10. The main suit be accordingly set down for hearing after compliance of order XXX VI r 8a, 12 Civil Procedures Rules.

Dated this 24th day of October 2007 at Nairobi.

M.A. ANG'AWA

JUDGE

B.A. Njugi for Njugi B.G. & Co. Advocates for the plaintiff

Miriam Wangai – The defendant/ respondent in person - absent