



**Gicobo (Suing as the administrator representing the Estate of Kinyanjui Roiyana (Deceased) v Land Registrar, Ngong Land Registry (Environment & Land Miscellaneous Case E006 of 2022) [2022] KEELC 15444 (KLR) (19 December 2022) (Ruling)**

Neutral citation: [2022] KEELC 15444 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO  
ENVIRONMENT & LAND MISCELLANEOUS CASE E006 OF 2022  
MN GICHERU, J  
DECEMBER 19, 2022**

**BETWEEN**

**PAUL KINYANJUI GICOBO (SUING AS THE ADMINISTRATOR  
REPRESENTING THE ESTATE OF KINYANJUI ROIYANA  
(DECEASED) ..... APPLICANT**

**AND**

**LAND REGISTRAR, NGONG LAND REGISTRY ..... RESPONDENT**

**RULING**

1. This Ruling is on the Originating Summons dated April 12, 2022. The same is brought under Order 37 Rule 8 of the Civil Procedure Rules and all other enabling provisions of law.
2. The summons seeks the following orders;
  - i. That the Land Registrar, Ngong Land Registry do register the subdivisions of L R Ngong/ Ngong/705 being Ngong/ Ngong/98180 measuring 4 acres, Ngong/ Ngong/98181 measuring 1 acre, Ngong/ Ngong/98182 measuring 1 acre and Ngong/ Ngong/98183 measuring 4 as consented to by the family.
  - ii. That the Land Registrar Ngong Land Registry do transfer the four parcels in number (ii) above as shall be executed and submitted by the Applicant.
3. The summons is supported by eight (8) grounds, an affidavit by the Applicant and eight (8) annexures.
4. In summary, the Applicant says that he filed Kajiado ELC Case No 57 of 2018 in which he claimed the suit land which is Ngong/ Ngong/705 through adverse possession.
5. The court found in his favour on December 10, 2019. It has now become necessary for all the beneficiaries of the estate of the applicant's father's estate to share the estate. They have all consented



as above. The judgment in the ELC Case filed earlier recognizes the Applicant as the only beneficiary. Since there are other beneficiaries, he found it prudent to file the current suit.

6. I have carefully considered the summons in its entirety. I do not understand why the Applicant could not file a simple notice of motion in ELC No 57 of 2018 instead of filing this suit.
7. Be that as it may, I find that the current suit has merit and I allow the summons dated April 12, 2022 as drawn. It is so ordered.

**Dated signed and delivered virtually at Kajiado this 19<sup>th</sup> day of December, 2022.**

**M.N. GICHERU**

**JUDGE**

