

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA DISTRICT REGISTRY
CIVIL CASE NO. 21 OF 2004

KENYA PORTS AUTHORITY.....PLAINTIFF

=V E R S U S=

1.A. BAUMANN & CO. LTD.....1ST DEFENDANT

2.RAYWOOD HOLDINGS LTD.....2ND DEFENDANT

3.THE LAND REGISTRAR, MSA.....3RD DEFENDANT

R U L I N G

The Applicant/Plaintiff is the registered Lessor of the suit premises. He transferred the lease to 1st Defendant with a condition that no transfer shall be effected without the consent of the Plaintiff. It is now shown that the suit premises have been transferred to the 2nd Defendant without the consent of the Plaintiff. The 3rd Defendant who is Land Registrar concerned did cause the registration of transfer of the property to the 2nd Defendant contrary to provisions of Registered Land Act, Cap.300. It is sought by Plaintiff to nullify the registration in favour of the 2nd Defendant.

As far as the 1st Defendant is concerned, it has already parted with the property by the registration of Title to another as indicated in the Search Form exhibited. I find that the 1st Defendant has no longer any interest in the property.

Orders granted do not affect him and it is my view that the Plaintiff has shown a prima facie case with a chance of success.

In the circumstances I confirm the exparte orders granted.

I allow the Applicationx and grant prayers (b) and (c). Costs in the cause.

Dated at Mombasa this 12th day of February, 2004.

JOYCE KHAMINWA

J U D G E

Mr. Kilonzo:- I pray for certified copy of Ruling and uncertified proceedings.

Court:- Orders accordingly.

JOYCE KHAMINWA

J U D G E