

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL CASE NO. 2247 OF 1999**

**MOHAMMED HANIFPLAINTIFF/APPLICANT
VERSUS
JUSTUS NYAMU & ANOTHER DEFENDANT/RESPONDENT**

JUDGMENT

In this suit the Plaintiff seeks an order canceling the entries made on the title documents of the suit land, Land Ref: No.36-VII-227, on 23rd June, 1992, 25th June, 1992 and 19th July, 1993 respectively.

The land originally belonged to Ajaib Singh who passed away.

Evidence has been produced to show that the Defendants fraudulently purported to transfer the said land to themselves. The Plaintiff who was always been in occupation and the custodian of the land found that the Defendants fraudulently purported to transfer the land to themselves.

Following this purported transfer the Defendant was charged with a number of criminal offences, stretching from making a document without authority contrary to section 357 (a) of the Penal Code, uttering a false document contrary to section 353 of the Penal Code to obtaining money by false pretences contrary to section 313 of the Penal Code.

This was in 1996 in the Chief Magistrate's Court at Nairobi, in Criminal Case No.1306 of 1996. The accused was convicted as charged. The conviction still stands. The consequences is that no title existed in any person to pass to anyone else and no one else got good title.

In the circumstances, the court is satisfied on this evidence and found of acts that Plaintiff's claim is well founded. There will be Judgment for the Plaintiff as prayed in the Plaint. The entries in question appearing in the Register of lands, relating to the suit land shall be and are hereby cancelled and the Registrar shall act accordingly.

The costs of this suit shall be paid to the Plaintiff. Orders accordingly.

R. KULOBA

JUDGE

12/6/2001

31/8/2001

Mr. Mwai for M/S G.M. Muhoro Advocates for the 6th Defendant Applicant Chamber Summons dated 17th August 2001 is fixed for hearing on 25th October, 2001 at 2.30 p.m.

Notice to issue

T.L. ONAMU

For: DEPUTY REGISTRAR