



**Shah & another (Environment & Land Case E007 of 2023)
[2025] KEELC 1228 (KLR) (12 March 2025) (Ruling)**

Neutral citation: [2025] KEELC 1228 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE E007 OF 2023
CA OCHIENG, J
MARCH 12, 2025**

**IN THE MATTER OF
SHANTABEN DEVSHI MULJI SHAH 1ST EXPARTE APPLICANT
ANJALI DEVSHI MULJI SHAH 2ND EXPARTE APPLICANT**

RULING

1. What is before Court for determination is the ex parte Applicants' Notice of Motion application dated the 11th July 2024 where they seek the following Orders:
 - a. That this Honourable Court be pleased to issue an order that the Registrar is authorized to register the vesting order issued on 24th April 2024 on the duplicate copy of lease presented by the Applicants.
 - b. That costs of this application be in the cause.
2. The application is premised on grounds on the face of it and the supporting affidavit of Wanjiku Ithondeka, Advocate, sworn on 11th July 2024. She contends that on 24th April 2024, this Court delivered judgment and made an order vesting Flat No. 12 on Land Reference No. 209/2168 to the Ex parte Applicants. She confirms that the Order was presented to the Land Registry for registration but they were advised that it could not be registered on a duplicate copy of Lease without an order of the court.

Analysis and Determination

3. Having considered the instant application including the supporting affidavit and annexure, the only issue for determination is whether the Ex parte Applicants are entitled to the orders as sought.
4. I note this Court delivered its judgment on 24th April 2024 in favour of the Ex parte Applicants. Further, that a decree was extracted therefrom. The Ex parte Applicants confirm that upon presenting the extracted Order Vesting Property being Flat Number 12 Land Reference Number 209/2168, to



the Land Registrar for registration, into their joint names, on the duplicate copy of Lease, they were informed that they required a court order to that effect.

5. Based on the facts before me including perusal of the Judgement of this Court dated the 24th April, 2024 containing a Vesting Order, this court is satisfied that the vendors had indeed executed the Deed of Assignment of the Lease herein in the Applicants' favour. I note in the proceedings, the Applicants had actually explained to the Court that the original Lease had been misplaced by the vendors and only a copy had been submitted to the advocate acting for both parties in the transaction.
6. In the foregoing, and since the instant application is unopposed, this Court directs that Vesting Orders issued on the 24th April 2024 be registered by the Land Registrar on the duplicate copy of Lease presented by the Applicants, to reflect them as the joint registered owners of Flat Number 12 Land Reference Number 209/2168.
7. In the circumstances, I find the Notice of Motion application dated the 11th July 2024 merited and will allow it.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 12th DAY OF MARCH 2025.

CHRISTINE OCHIENG

JUDGE

In the presence of:

Ms Ithondeka for Applicant

Court Assistant: Joan

