



REPUBLIC OF KENYA



Njehia & 8 others v Njoroge & 2 others (Environment & Land Case 203 of 2017) [2025] KEELC 4526 (KLR) (11 June 2025) (Judgment)

Neutral citation: [2025] KEELC 4526 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MACHAKOS
ENVIRONMENT & LAND CASE 203 OF 2017
CA OCHIENG, J
JUNE 11, 2025**

BETWEEN

**JOSEPH KAMITHA NJEHIA 1ST PLAINTIFF
BEATRICE WAITHIRA KARANJA 2ND PLAINTIFF
JANE WAMBUI MUNIU 3RD PLAINTIFF
VERONICA NJERI MBUGUA 4TH PLAINTIFF
RICHARD KAMITHA MBURU 5TH PLAINTIFF
EVERLINE WANGUI 6TH PLAINTIFF
LUCY NJOKI 7TH PLAINTIFF
CHARITY WANJIKU NJAU 8TH PLAINTIFF
ESTHER WANJERI RICA HARD 9TH PLAINTIFF**

AND

**LUCY WANJIRU NJOROGE 1ST DEFENDANT
JOHN KIARIE NJOROGE 2ND DEFENDANT
SOPHIA WANJIRU WANJOHI 3RD DEFENDANT**

JUDGMENT

1. The Plaintiffs commenced this suit by a Complaint dated the 2nd May 2017 which was amended on 28th September 2017. In the Amended Complaint, the Plaintiffs pray for judgment against the Defendants jointly and severally for:



- a. A declaration that the Plaintiffs are the legal and beneficial owners of the parcel of land known as LR No. 7340/198 Mavoko Municipal Council (Machakos Utawala).
 - b. A permanent injunction restraining the Defendants, their servants, employees, agents and/or any other third parties or person (s) whatsoever acting on their instructions from selling, disposing, charging, subdividing or trespassing into or any other manner whatsoever, dealing in/with the property known as LR No. 7340/198.
 - c. Costs of this suit.
 - d. Any other relief which this Honourable Court may deem fit and just to grant.
2. The suit is opposed by the Defendants vide their amended Statement of Defence dated the 2nd February 2023. They denied all allegations leveled against them in the Plaint and contended that after subdivision of LR No. 7340/62, LR No. 7340/196 was granted to the first house of Salome Ndugi Kamitha, LR No. 7340/197 to Gladys Kamitha and LR No. 7340/198 to the house of Mary Waceke Kamitha.
 3. They claim that LR No. 7340/196 was lawfully sold to Njoroge Ngugi (deceased) by Salome Ndugi Kamitha with the consent of all beneficiaries claiming under her and it was subsequently transferred and a title was issued to the 1st Defendant. They contended that Mary Waceke Kamitha assigned LR No. 7340/198 (suit land) to Peter Mbiyu Kamitha with the consent of the rest of the siblings and that he sold it to Peterson Wanjohi Karanja, who died intestate and his properties devolved to the 3rd Defendant of which, a transfer was executed to the 3rd Defendant as an administrator of his estate.
 4. The Plaintiffs filed a reply to the amended defence in which they denied the allegations that LR No. 7340/196 was taken by the house of Salome Ndugi Kamitha while LR No. 7340/198 was taken by the house of Mary Waceke Kamitha.

Plaintiff's evidence

5. The 3rd Plaintiff as PW1 adopted her witness statement as her evidence in chief. She explained that LR No. 7340/62 was registered in the name of her late father Richard Kamitha Kinuthia who died intestate but had directed that it be held in trust for his beneficiaries by his three wives namely: Gladys Kamitha, Mary Waceke Kamitha and Salome Ndugi Kamitha, respectively, in equal shares.
6. She testified that the Plaintiffs are children and grandchildren of Salome Ndugi Kamitha and Kinuthia Kamitha (deceased). Further, that after their father's demise, all beneficiaries of his estate consented to the Public Trustee petitioning for the Grant of Letters of Administration Intestate, which were granted in Nairobi Succession Cause No. 2014 of 1991 and a Certificate of Confirmation of Grant issued on 20th May 1994, that set out the mode of distribution of the deceased's estate which included LR No. 7340/62.
7. She claimed that between 1994 and 1996, the surviving beneficiaries of the estate of Richard Kinuthia Kamitha (deceased) met and resolved to appoint a surveyor to survey LR No. 7340/62 into three equal shares and that the resultant parcels measuring approximately 1.237 hectares each are: LR No. 7340/196, LR No. 7340/197 and LR No. 7340/198 respectively.
8. It was her further testimony that her step brothers and sisters took possession of their respective portions and have since developed them but LR No. 7340/198, which was meant for Salome Ndungi Kamitha remained intact but the Plaintiffs routinely use it for cultivation.
9. She testified that in February 2017, the Plaintiffs met and resolved to appoint a surveyor to subdivide their portion being LR No. 7340/198 but several days after the subdivision was done, her brother,



(the 1st Plaintiff) was summoned to Mavoko Police station and on further inquiries, they established that the Defendants herein obtained Letters of Administration Intestate, with respect to the estate of Njoroge Ngugi on 26th June 2013 in Nairobi High Court Succession Cause No. 642 of 2013 and that in their summons for confirmation of grant, the Defendants illegally included LR No. 7340/198 as part of the estate of Njoroge Ngugi.

10. She testified that neither herself nor her mother (Salome Ndugi Kamitha) entered into any sale agreement with Njoroge Ngugi (deceased) and if her mother had done so, the same was illegal as she was not the owner of the suit land but held it, in trust for them until she passed away on 23rd October 2003. Further, that since the Certificate of Confirmation of Grant with respect to the estate of her late father was issued to the Public Trustee, it was only the Public Trustee who had the legal capacity to dispose of the said suit land.
11. She produced documents contained in the Plaintiffs' list and bundle of documents dated the 2nd May 2017, which included: Certificate of Death of Richard Kamitha Kinuthia, Certificate of Title for LR No. 7340/62, Grant of Letters of Administration Intestate dated 7th May 1991, schedule of distribution of assets, Certificate of Confirmation of Grant dated 20th May 1994, Survey Plan, minutes dated 11th February 2017, Summons for Confirmation of Grant dated 15th May 2015 and Summons for Rectification of Grant dated 25th February 2016, as exhibits.
12. During cross-examination, PW1 said that her step mother and siblings took possession of LR No. 7840/196 and LR No. 7840/197 respectively, sold her mother's share to third parties, but she did not have evidence to that effect. Further, that the suit land does not form part of the estate of Njoroge Ngugi in Succession Cause 642 of 2013. She confirmed that she had no title to the suit land but she believes that it belongs to the Plaintiffs as per the wishes of their deceased father, Richard Kinuthia Kamitha.
13. In re-examination, PW1 insisted that the suit land belongs to Salome Ndugi Kamitha (deceased) and her children and that the Plaintiffs have filed succession proceedings with regards to her estate.

Evidence of the Defendants

14. The Defendants called three witnesses. DW1 was Vincencia Akoth Juma, a Land Registrar. She produced the file records regarding the mother title (LR No. 7340/62) and subdivisions thereof. She testified that the mother title was issued to Richard Kinuthia Kamitha on 23rd March 1992 and registered on 2nd April 1992 as grant IR No. 55281. She pointed out that a Grant of Letters of Administration to the estate of Richard Kinuthia Kamitha is entry No. 2 of the said title, registered on 7th December 2001. Further, that there was an entry indicating a transfer to Salome Ndugi Kamitha, Gladys Kamitha and Mary Waceke Kamitha as life tenants and trustees for their children on 7th December 2001.
15. She explained that thereafter a subdivision was undertaken for a road reserve as per entry No.4. She confirmed that the mother title was subdivided into three and that LR No. 7840/198 was transferred to the 3rd Defendant while LR No. 7340/196 was transferred to Njoroge Ngugi. She was emphatic that there were no records supporting entries No. 5, 6 and 7 of the mother title, which has since been closed.
16. It was her further testimony that as for LR No. 7840/196, there was a Grant of Letters of Administration of which, the parcel was registered to John Kiarie Njoroge but later transferred to the 1st Defendant as a beneficiary.



17. During cross-examination, DW1 explained that entry No. 3 on the mother title indicates that it is a transfer by assent to Salome Ndugi Kamitha, Gladys Kamitha and Mary Waceke Kamitha as life tenants and as trustees of their children, thus they could not transfer the said property without the consent of beneficiaries and if they did so and it was discovered a Court Order would be obtained to cancel the transfer.
18. She clarified that in their records, there is no consent from trustees authorizing the sales or transfers and that the 3rd Defendant is not a beneficiary in the Assent to the three (3) widows of Richard Kinuthia Kamitha. Further, that they did not have any document supporting transfer to her with regard to LR No. 7340/198 (Orig 7340/63/4).
19. During re-examination, DW1 stated that she did not find any consent from the three (3) widows, before LR No. 7340/62 was closed on subdivision. She clarified that for the Deed Plans to be transferred to a particular owner, there has to be a Transfer Instrument duly executed and booked in the Registry.
20. DW2 who was the 1st Defendant adopted her witness statement as her evidence in chief. She stated that she was the daughter to Njoroge Ngugi (deceased) who died intestate, and is the owner of LR No. 7340/196 which was granted to the first house of Salome Ndugi Kamitha, who sold it to Njoroge Ngugi (deceased) with the consent of all beneficiaries. Further, that LR No. 7340/197 was allocated to Gladys Kamitha and LR No. 7340/198 to the third house of Mary Waceke Kamitha. She stated that Mary Waceke Kamitha assigned LR No. 7340/198 to Peter Mbiyu Kamitha with the consent of the rest of the siblings, who in turn sold to Peterson Wanjohi Karanja, who died intestate and his properties devolved to the 3rd Defendant. Further, that the Transfer in that respect was done directly from Mary Waceke Kamitha to the 3rd Defendant.
21. She produced the bundle of documents dated the 2nd February 2023 as Exhibits 1-9. These documents included: a copy of title for LR No. 7340/62, Certificate of Confirmation of Grant to original grantee; payments made to Salome Ndugi Kamitha and her household; Transfer for LR No. 7340/196; Copy of title for LR No. 7340/196, Transfer for LR. No. 7340/197; Copy of title for LR No. 7340/197; Copy of title for LR No. 7340/197, Transfer for LR No. 7340/198, and a copy of Title deed for LR No. 7340/198.
22. During cross-examination, DW2 stated that she is the owner of LR No. 7340/196 which belonged to her father. She denied knowledge of any issue relating to LR No. 7340/198.
23. DW3 who was the 3rd Defendant adopted her witness statement as her evidence in chief. She stated that LR No. 7340/198 was granted to the third house of Mary Waceke Kamitha, who in turn assigned the property to Peter Mbiyu Kamitha. Further, that with the consent of the rest of his siblings, he sold it to Peterson Wanjohi Karanja who died intestate thus the parcel devolved to her as Peterson's wife through the Letters of Administration issued in Succession Cause No. 170 of 2009 and a transfer was effected directly from Mary Waceke Kamitha to her. She confirmed that upon transfer, she was issued with a title on 2nd August 2022.
24. During cross-examination, DW3 confirmed that she does not belong to the family of Mary Waceke Kamitha and that her husband, Peterson Wanjohi Karanja (deceased) was also not a member of the Richard Kamitha family. She admitted that she did not have a Sale Agreement conveying the suit land to her husband nor a Consent by the children of Richard Kamitha. She did not know how much her late husband had paid as purchase price as she had no proof of payment of the said purchase price. She testified that the parcel, LR No. 7340/198 was transferred to her by Salome Ndugi Kamitha, Gladys



Wanjohi and Mary Waceke Kamitha. Further, that she did not know the suit land was held in trust by the widows for their children.

25. During re-examination, DW3 reiterated that LR No. 7364/198 was sold to her deceased husband by Peter Mbiu Kamitha and that they slaughtered a goat after the sale.

Submissions

26. In their submissions, the Plaintiffs provided a background of the dispute herein and submitted that since LR No. 7340/62 was held by the three wives of the late Richard Kamitha in trust for their children, none of them could transfer the parcels arising therefrom, without the consent of all beneficiaries whom they were holding the parcels for. They argued that the process by which the impugned title was procured in the 3rd Defendant's name was unprocedural hence rendering the title invalid. Further, that in the absence of a sale agreement by which the 3rd Defendant's husband allegedly purchased the suit land from Peter Mbiu Kamitha, it renders the alleged purchase unverifiable hence unlawful for violating Section 3 (3) of the *Law of Contract Act* as read with Section 38 of the *Land Act*. They insisted that failure to adduce any evidence that consideration was paid by the 3rd Defendant's deceased husband towards purchase of the suit land means that the court has no means of verifying if it was paid at all. They contended that there was no evidence that Mary Waceke Kamitha assigned the suit land to Peter Mbiu Kamitha with the consent of her beneficiaries and that the Instrument of Transfer registered on 22nd August 2022 purports that the transfer was for no consideration at all and it is not dated nor signed by the 3rd Defendant or her husband. Further, that DW1 confirmed they had no evidence to support the said entry No. 6. Further, that the alleged payments made to Salome Ndugi Kamitha (deceased) does not indicate who made them and for what purpose. To support their averments, they relied on the following decisions: Nathan Kinyua Maina & Another v Geoffrey Kinyanjui Mungai & Another [2022] KEELC 2020 (KLR); Muriuki v Njeru (Environment & Land Case 3 of 2021) [2022] KEELC 14880 (KLR) and Dina Management Limited v County Government of Mombasa & 5 Others [2023] KESC 30 (KLR).
27. On their part, the Defendants reiterated that Salome Ndugi Kamitha, a wife to Richard Kamitha (deceased) was allocated LR No. 7340/196 which she sold to Mr. Njoroge Ngugi (deceased) with the consent of her children and which she had the authority to sell as an administrator. They insisted that since Mr. Njoroge Ngugi was issued with a title, Section 26 of the *Land Registration Act* guarantees him as the original owner. They further submitted that as for LR No. 7340/198, it was administered by Mary Waceke, a wife to Mr. Richard Kamitha (deceased) who commenced the process of transfer but died before completing the same to Mr. Peterson Wanjohi Karanja. Further, that it was completed by the 3rd Defendant and a transfer was signed by the three widows of Richard Kamitha (deceased). To support their averments, they relied on the following decisions: In re Estate of Elijah Okitah Mikah Tsimbwele (Deceased) [2021] KEHC 6642 (KLR) and Wainaina v Kiguru & Another [2024] KEELC 5865 (KLR).

Analysis and Determination

28. I have considered the various pleadings, testimonies of the witnesses, exhibits and rivaling submissions and the following are the issues for determination: Whether Peter Mbiyu Kamitha had capacity to sell LR No. 7340/198 to Peterson Wanjohi Karanja and whether the said Peterson obtained a valid title to LR No. 7340/198. Whether LR No. 7340/198 was held in trust by Salome Ndugi Kamitha (deceased) for the Plaintiffs and other beneficiaries of her household and whether the Plaintiffs have a valid beneficial claim to the parcel. Whether the Plaintiffs are entitled to the orders as sought in the Plaint. I will deal with all issues jointly.



29. The Plaintiffs explain that LR No. 7340/62 was registered in the name of their father and grandfather, Richard Kamitha Kinuthia (deceased) and that it was subdivided into three (3) equal shares which are: LR No. 7340/196, LR No. 7340/197 and LR No. 7340/198 respectively, that were shared out to his three (3) widows namely: Gladys Kamitha, Mary Waceke Kamitha and Salome Ndugi Kamitha to be held in trust for their respective beneficiaries.
30. They claim that each wife took possession and that their portion is LR No. 7340/198, hereinafter referred to as the 'suit land', which was held by their mother and grandmother Salome Ndugi Kamitha. Further, that in 2017, one Njoroge Ngugi (deceased) claimed its ownership and the said parcel had been included in the Summons for Confirmation of Grant as part of the said Njoroge Ngugi's estate in Nairobi High Court Succession Cause No. 642 of 2013. However, PW1 later recanted this position during cross examination.
31. It is not in dispute that LR No. 7340/62 was registered in the name of Richard Kamitha Kinuthia (deceased). It was then subdivided into three equal shares to be held by his widows in trust for his beneficiaries. The Plaintiffs claim through one widow, Salome Ndugi Kamitha whom they claim held LR No. 7340/198 on their behalf.
32. On their part, the Defendants insist that Salome Ndugi Kamitha, was allocated LR No. 7340/196 which she sold to Mr. Njoroge Ngugi (deceased) with the consent of her children. They further claim that LR No. 7340/198 was administered by Mary Waceke, also a wife to Mr. Richard Kamitha (deceased) and sold to Mr. Peterson Wanjohi Karanja, and a transfer thereof was signed by the three widows of Richard Kamitha (deceased).
33. PW1 in her testimony denied that neither herself nor her mother (Salome Ndugi Kamitha) entered into any sale agreement with anybody. She contended that the suit land was held by her mother who died on 23rd October, 2003, in trust for them. Further, that since the Certificate of Confirmation of Grant with respect to the estate of her late father was issued to the Public Trustee, it was only the Public Trustee who had the legal capacity to dispose of the suit land.
34. DW1 who was a Land Registrar confirmed that the mother title was issued to Richard Kamitha on 23rd March 1992 and registered on 2nd April 1992 as grant IR No. 55281. Further, that a Grant of Letters of Administration to the estate of Richard Kamitha is entry No. 2 of the said title, registered on 7th December 2001. She explained that there was an entry indicating a transfer to Salome Ndugi Kamitha, Gladys Kamitha and Mary Waceke Kamitha as life tenants and trustees for their children on 7th December 2001. She further confirmed that the mother title was subdivided into three and that LR No. 7340/198 was transferred to the 3rd Defendant while LR No. 7340/196 was transferred to Njoroge Ngugi. She was emphatic that there were no records supporting entries No. 5, 6 and 7 of the mother title, which has since been closed. She stated that the three mothers could not transfer property without the consent of beneficiaries. She was further emphatic that there were no records from the trustees authorizing the transfer and that the 3rd Defendant is not a beneficiary in the Assent to the three (3) widows of Richard Kamitha. She reiterated that the 3rd Defendant did not have any document supporting transfer of LR No. 7340/198 (Orig 7340/63/4), to her.
35. On the first issue, since the 3rd Defendant's title was under challenge, it was incumbent upon her to prove its root. On validity of a title, Section 26 of the *Land Registration Act* provides that:

“Certificate of title to be held as conclusive evidence of proprietorship (1) The certificate of title issued by the Registrar upon registration, or to a purchaser of land upon a transfer or transmission by the proprietor shall be taken by all courts as prima facie evidence that



the person named as proprietor of the land is the absolute and indefeasible owner, subject to the encumbrances, easements, restrictions and conditions contained or endorsed in the certificate, and the title of that proprietor shall not be subject to challenge, except—

- (a) on the ground of fraud or misrepresentation to which the person is proved to be a party; or
- (b) where the certificate of title has been acquired illegally, unprocedurally or through a corrupt scheme.”

36. In *Daudi Kiptugen v Commissioner of Lands & 4 Others* [2015] eKLR, it was held;

“...The acquisition of title cannot be construed only in the end result; the process of acquisition is material. It follows that if a document of title was not acquired through a proper process, the title itself cannot be a good title. If this were not the position then all one would need to do is to manufacture a Lease or a Certificate of title at a backyard or the corner of a dingy street, and by virtue thereof, claim to be the rightful proprietor of the land indicated therein.”

37. Further, in *Dina Management Ltd v. County Government of Mombasa & 5 Others, Pet. No. E010 of 2021*, the Supreme Court stated that:

“...Where the registered proprietor’s root title is under challenge, it is not enough to dangle the instrument of title as proof of ownership. It is the instrument that is in challenge and therefore the registered proprietor must go beyond the instrument and prove the legality of the title and show that the acquisition was legal, formal and free from any encumbrance including interests which would not be noted in the register.”

38. On whether Peter Mbiyu Kamitha had capacity to sell LR No. 7340/198 to Peterson Wanjohi Karanja, in re Estate of Barasa Kenenje Many (Deceased) Succession Cause No. 263 of 2002 (2020) KEHC 1 (KLR), the court stated that:

“Any transaction, entered into with a person who is yet to be appointed administrator, over estate assets, would be null and void, since such assets would not have vested in such a person, and such person would have no standing in law to transact over such property. Section 45 of the *Law of Succession Act* outlaws such dealings, and designates them as amounting to intermeddling with the estate of the deceased, which is a criminal offence, according to that provision.”

39. Further, the Court of Appeal in *Twalib Hatayan & Another v Said Saggar Ahmed Al-Heidy & 5 Others* [2015] KECA 713 (KLR) held as follows:

“Trusts are created either expressly (by the parties) or by operation of law. An express trust arises where the trust property, its purpose and beneficiaries have been clearly identified (see. Halsbury’s Laws of England vol 16 Butterworths 1976 at para 1452).”

40. While in *Shah & 7 Others v Mombasa Bricks & Tiles Limited & 5 Others* (Petition 18 (E020) of 2022) [2023] KESC 106 (KLR) (28 December 2023) (Judgment), the Supreme Court stated thus:

“While Sections 25, 26 and 28 of the *Land Registration Act* recognize that the rights of a registered proprietor of land are absolute and indefeasible, these are only subject to rights



and encumbrances noted in the register and overriding interests. The overriding interests include trusts.”

The Supreme court went further to state that trusts can be imported into a land sale agreement to defeat a registered title.

41. In this instance the 3rd Defendant claims she obtained the suit land as part of the estate of her late husband Peterson Wanjohi Karanja. During cross examination the 3rd Defendant as DW3 failed to confirm the purchase price paid nor produce a Sale Agreement to confirm how the deceased acquired the said land. Further, DW1 also testified that there were no records supporting the deceased acquisition of the suit land. Even though the 3rd Defendant insisted that it is the mother of one of the beneficiaries Salome Ndugi Kamitha who gave him LR No. 7340/196, which he in turn sold to Njoroge, there was no consent of the beneficiaries produced. Further, there was no evidence produced to confirm LR No. 7340/198 devolved to Mary Waceke, who gave it to Peter Mbiyu Kamitha that sold to Peterson Wanjohi Karanja. It is trite that for a person to demonstrate proprietorship over land, he has to demonstrate the root of their title. Further, it emerged that the 3rd Defendant nor her spouse were beneficiaries of the Richard Kamitha estate. In the Assent for Grant Number IR 5528, the 3rd Defendant is not indicated as trustees or children of the deceased Richard Kamitha Kinuthia. The 3rd Defendant as DW3 while being cross examined on some payment documents/receipts dated the 29th March, 1995, 31st March, 1995, 17th June, 1995, 13th August, 1995 and 27th March, 1995 denied having knowledge of the same and even said the late husband was not the one who made the payments. The Defendants sought to rely on the case of *In re Estate of Elijah Okitah Mikah Tsimbwele (Deceased)* [2021] KEHC 6642 (KLR) but I opine that the said decision does not speak to the issues raised.
42. Based on the facts as presented, while relying on the legal provisions quoted and decisions cited and applying them to the circumstances at hand, I opine that the 3rd Defendant has failed to demonstrate the root of her title LR No. 7340/198. Further, I find that the suit land was not properly disposed to the 3rd Defendant as it formed part of the property of Salome Ndugi Kamitha. I opine that the said transfer is devoid of documents and proof. In my view the 3rd Defendant or her late husband could not be deemed as a bona fide purchaser for value as the root of the said title is fettered. I find that Peter Mbiyu Kamitha had no capacity to sell LR No. 7340/198 to Peterson Wanjohi Karanja as claimed and hence Peterson Wanjohi Karanja did not obtain a valid title to LR No. 7340/198 under Section 26 of the *Land Registration Act*. Further, I hold that LR No. 7340/198 was held in trust by Salome Ndugi Kamitha (deceased) for the Plaintiffs and other beneficiaries of her household and indeed the Plaintiffs have a valid beneficial claim to the suit land. It is worth noting that the Defendant’s during pendency of this suit proceeded to effect transfer of the suit land. In that regard, I find that by dint of section 80 of the *Land Registration Act*, the title for the suit land in the name of the 3rd Defendant should be cancelled and reverted back to the estate of Salome Ndugi Kamitha, and I proceed to do so. In the foregoing, I find that the Plaintiffs are hence entitled to the orders as sought in the Plaintiff.
43. On costs, since the Plaintiffs are the inconvenienced parties, I find that they are entitled to the same.
44. In the circumstances, I find that the Plaintiffs have proved their case on a balance of probability and will enter judgment in their favour in the following terms:
 - i. A declaration be and is hereby issued that the Plaintiffs are the legal and beneficial owners of the parcel of land known as LR No. 7340/198 Mavoko Municipal Council (Machakos Utawala).
 - ii. A permanent injunction be and is hereby issued restraining the Defendants, their servants, employees, agents and/or any other third parties or person (s) whatsoever acting on their



instructions from selling, disposing, charging, subdividing or trespassing into or any other manner whatsoever, dealing in/with the property known as LR No. 7340/198.

- iii. The Land Registrar Machakos be and is hereby directed to revoke the Certificate of Title for LR No. 7340/198 in the name of Sophia Wanjiru Wanjohi and revert it to the estate of Salome Ndugi Kamitha (deceased).
- iv. Costs of this suit is awarded to the Plaintiffs.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 11TH DAY OF JUNE 2025

CHRISTINE OCHIENG

JUDGE

In the presence of:

Kimathi for 1st – 3rd Defendants

Ms Nyakoe holding brief for Wandati for Plaintiffs

Court Assistant: Joan

