



**Shuma v Land Registrar, Kilifi (Miscellaneous Application
1 of 2024) [2024] KEELC 1157 (KLR) (4 March 2024) (Ruling)**

Neutral citation: [2024] KEELC 1157 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MALINDI
MISCELLANEOUS APPLICATION 1 OF 2024
FM NJOROGE, J
MARCH 4, 2024**

BETWEEN

GASPER DAVID SHUMA APPLICANT

AND

LAND REGISTRAR, KILIFI RESPONDENT

RULING

1. By a notice of motion application dated 8th January 2024, the Applicant sought orders that: -
 - a. Spent.
 - b. That the caution registered on land parcel number Kilifi/Mbaraka Chembe/226 hereinafter referred to as the 'suit land' on 7th June 1993, be removed.
 - c. The orders issued herein be served upon the land registrar, Kilifi for compliance.
 - d. The costs of this application be provided for.
2. The basis of the application is in the supporting affidavit sworn by the Applicant on 8th January 2024. The Applicant averred that he is the son and administrator of the estate of the late Mwanje Nzavili Nyale alias David Mwanje Nzavili, registered owner of the land parcel Kilifi/Mbaraka Chembe/226 (hereinafter the 'suit property'); that one David Mkare (now deceased) registered a caution against the suit property claiming purchaser's interest. However, following the High Court's decision in Succession Cause No. 31 of 2017, the said caution ought to be removed.
3. When the application was placed before me on 25th January 2024, I issued directions inter alia that the same is served forthwith and an affidavit of service filed and submissions be filed by the Applicant within 7 days from the date of expiry of the period given to the Respondent to file and serve its response, that is, within 7 days. The Applicant failed to comply with the directions issued. There is even no proof of service in the first place.



4. For the above reason, I dismiss the application dated 8th January 2024 with no orders to costs.

DATED, SIGNED AND DELIVERED AT MALINDI VIA ELECTRONIC MAIL ON THIS 4TH DAY OF MARCH 2024.

MWANGI NJOROGE

JUDGE, ELC, MALINDI

