



REPUBLIC OF KENYA



**KENYA LAW**  
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**Waweru & 2 others v Waweru & another (Environment and Land Case Civil  
Suit 273 of 2017) [2024] KEELC 6428 (KLR) (1 October 2024) (Ruling)**

Neutral citation: [2024] KEELC 6428 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NYAHURURU  
ENVIRONMENT AND LAND CASE CIVIL SUIT 273 OF 2017**

**AK BOR, J**

**OCTOBER 1, 2024**

**BETWEEN**

**PETER KINYUA WAWERU ..... 1<sup>ST</sup> PLAINTIFF**

**SIMON WARUTERE WAWERU ..... 2<sup>ND</sup> PLAINTIFF**

**MARY WANJIRU KIBERA (SUING AS THE LEGAL REPRESENTATIVE OF  
THE ESTATE OF RAJAB KIBERA WAWERU) ..... 3<sup>RD</sup> PLAINTIFF**

**AND**

**NJERI MWENJE WAWERU ..... 1<sup>ST</sup> DEFENDANT**

**JANE NYAWIRA WAWERU (SUED AS THE ADMINISTRATOR OF THE  
ESTATE OF MWENJE WAWERU) ..... 2<sup>ND</sup> DEFENDANT**

**RULING**

1. Through the application dated 24/07/2024, the Plaintiffs seek to have the Deputy Registrar of the court authorized to execute all documents necessary to facilitate the transfer and registration of Nyandarua/Lesirko/456 in accordance with the judgment and decree of the court delivered on the 10/03/2020.
2. The application was made on the grounds that this matter had been pending in court since it was filed as Nakuru HCCC No. 354 of 2008. The case was heard and determined vide the judgment of Lady Justice M.C. Oundo delivered on 10/03/2020. The Defendants did not lodge an appeal but failed or refused to execute the requisite documents to have the suit land which is currently registered in the name of Mwenje Waweru (deceased) subdivided, distributed, transferred and registered in the names of the Plaintiffs, the Defendants and other beneficiaries as ordered by the court. Further, that the 1<sup>st</sup> Defendant who previously refused to comply with the court orders died. The Plaintiff averred that the prayers sought could not be contested since they were only giving effect to the judgment of the court which remained unchallenged.



3. James Wahome Ndegwa swore the supporting affidavit to which he annexed a copy of the judgment and decree. The court notes that most pages of the judgment were missing. He averred that it was fair for the Deputy Registrar to be allowed to sign all the instruments necessary to facilitate the subdivision, distribution, transfer and registration of the respective shares to those who were interested under the judgment and decree.
4. The application was not opposed. The court has looked at the judgment delivered by Lady Justice M.C. Oundo on 10/03/2020 and notes that the court found that the late Mwenje Waweru held the suit property in trust for the Plaintiff and that the Plaintiffs were entitled to a share of the suit property.
5. The court has considered the application and allows prayer no. 2 of the application dated 24/07/2024. The Plaintiffs will bear the costs of the application.

**DELIVERED VIRTUALLY AT NYAHURURU THIS 1<sup>ST</sup> DAY OF OCTOBER 2024.**

**K. BOR**

**JUDGE**

**In the presence of:**

No appearance for the parties

