



REPUBLIC OF KENYA

IN THE ENVIRONMENT & LAND COURT AT MURANG'A

ELC NO. 31 OF 2020 (OS)

MWANGI MAGANJO.....APPLICANT

VERSUS

JOHN MAINA NJOROGE.....1ST RESPONDENT

LAND REGISTRAR, MURANGA.....2ND RESPONDENT

JUDGEMENT

1. The Applicant filed suit (originating summons) against the Defendants on the 4/11/2020 seeking orders for;

a. Spent

b. The register to land parcel No LOC 20/MIRIRA/1873 be rectified by cancellation of entries Nos 5 and 6 and restore the title of the Applicant.

c. The 1st Respondent to bear the costs of the suit.

2. The application is supported by the affidavit of the Applicant where he deponed that he purchased the suit land in 1976 and obtained a title deed. That he took possession and has remained on the suit land to date. That several times he has used the title as collateral to secure loans from several banks and no one has questioned and or objected to the same.

3. That in or around the month of February 2019 he was informed that some persons were scouting for land around his property and on being alarmed, he carried out a search and to his shock and disbelief found that the title had been transferred to the 1st Defendant on the 18/8/2018 without his consent and knowledge. That he sought the intervention of the Directorate of Criminal investigations at Murang'a office.

4. The 1st Defendant was served through substituted services but he failed to enter appearance and or file defence. The suit of the Plaintiff is therefore uncontroverted.

5. At the hearing the Applicant led evidence and reiterated the contents of the affidavit deponed in Court. He added that at no time did he lose proprietorship and or control of the suit land since 1976 and that he is actually constructing a house thereon.

6. The Applicant demonstrated that he is the registered owner of the suit land. He produced an original title in support. The title shows that it has been used as collateral which he confirmed that he paid in full as shown by the discharge on the title.

7. In the absence of any evidence to the contrary and there being no challenge to the Applicant's suit, I find for him and enter judgment in his favour as prayed.

8. I make no orders as to costs.

9. It is so ordered.

DELIVERED, DATED AND SIGNED AT MURANG'A THIS 29TH DAY OF JULY 2021

J. G. KEMEI

JUDGE

Delivered in open Court in the presence of;

Plaintiff/Applicant - Absent

1st & 2nd Defendants/Respondents - Absent

Kuiyaki/Alex Court Assistant