

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

MISC ELC APPLICATION NO. 56 OF 2019

IN THE MATTER OF LAND REGISTRATION ACT NO. 3 OF 2012 LAWS OF KENYA

AND

IN THE MATTER OF LAND ACT NO. 6 OF 2012 LAWS OF KENYA

AND

IN THE MATTER OF TRUSTEE CAP 167 LAWS OF KENYA

AND

IN THE MATTER OF APPLICATION FOR ORDERS TO ALLOW THE APPLICANT TO TRANSFER THE LAND HELD IN TRUST

FKK (Applying as the mother and trustee to MK (minor)).....APPLICANT

RULING

1. The application dated 17.9.2019 is brought under the following provisions of law: “Section 3, 3A of the Civil Procedure Act Cap 21 Laws Of Kenya, Section 47 of the Land Registration Act, Section 27 of the Land Act, Sections 48 and 50 of the Trustee Act Cap 167 Laws of Kenya, order 51 Rule 1 of the Civil Procedure Rules (2010) and all other enabling Laws of Kenya”.
2. The applicant prays for orders to be allowed to transfer the land No. Abothuguchi/L-Kijja/[particulars withheld] (the suit land) which land is registered in her name and that of MK, a minor. The Applicant contends that she is the minor’s biological mother and she bought the suit land on 31.3.2006, but she now desires to sell the same to one Stella Mwari Muraa. She also contends that she has purchased land No. Nkuene/Mitunguu/[particulars withheld]/ as a replacement for the suit land and that she holds parcel no. [particulars withheld] in trust for her son. She further contends that her actions are guided by the best interest of the minor.
3. I have considered the circumstances under which the applicant came to be registered as owner of the suit land in trust for the minor. She (applicant) is the one who had bought the suit land on 31.3.2006 vide the sale agreement availed as F.K.K – 2. The new property Nkuene/Mitunguu/383 has not been registered on behalf of the minor going by the contents of the title dated 20.2.2019. Nevertheless, I have no doubt that applicant must have been the one who bought the suit land in 2006 when her son was only 3 years old.
4. In the circumstances, I find that the application dated 17.9.2019 is merited and the same is allowed as drawn.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 22ND JANUARY, 2020 IN THE PRESENCE OF:-

C/A: Kananu

Anampiu A. holding brief for Ngaira for applicant

HON. LUCY. N. MBUGUA

ELC JUDGE