



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**MILIMANI LAW COURTS**

**ELC NO. 193 OF 2018**

**BETH WANGARI MUROKI (SUING AS THE ADMINISTATOR OF  
THE ESTATE OF ROSE WANJIRU MUROKI.....PLAINTIFF**

**- VERSUS -**

**UMAGARA WIYONERE CO.LIMITED.....DEFENDANT**

**JUDGEMENT**

1. The Plaintiff is the administratrix of the estate of her deceased sister Rose Wanjiku Muroki (Deceased). The Defendant is a land buying Company. In or around 1987, the Defendant called upon members of the public to purchase plots it had at Kasarani area of Nairobi. The deceased heeded the call and went and purchased one plot being plot No. 645 measuring 50ft x 50ft which was to be curved out of LR 8469/4. The deceased was given a plot ownership certificate dated 9<sup>th</sup> July 1987.

2. During the lifetime of the deceased, the deceased pursued the directors of the Defendant Company to have the plot registered in her name but this did not happen. The deceased died on 24<sup>th</sup> July 1992 without having obtained title documents in her name. The Plaintiff then took out a grant of letters of administration ad litem and filed this suit after the directors of the Defendant kept giving her empty promises on transfer. The Plaintiff now prays that the company be compelled to transfer the plot to her in her capacity as administratrix of the estate of the deceased.

3. At the hearing of this suit, the Defendant who was duly served through its lawyer did not send any representative. Their lawyer did not turn up either. I have considered the evidence adduced by the Plaintiff. There is evidence that the Defendant issued the deceased with a plot ownership certificate for plot 645. This certificate is dated 9<sup>th</sup> July 1987. The Plaintiff also provided a demand letter which was written by Kituo Cha Sheria . Also produced was a letter from the Department of the Registrar General which shows that the Defendant Company was incorporated on 16<sup>th</sup> December 1985. The directors at incorporation are also shown.

4. The Plaintiff is the administratrix of the estate of the deceased as per the grant of letters ad litem issued on 6<sup>th</sup> March 2017. The Defendant filed a defence but did not call any evidence. The Plaintiff's evidence therefore remains uncontroverted. I therefore find that the Plaintiff has proved her case on a balance of probabilities. I enter Judgement in her favour against the Defendant in terms of prayers (a),(b) and (c) of the Plaint dated 24<sup>th</sup> April 2018 and filed in Court on the same date.

**Dated, Signed and delivered at Nairobi on this 12<sup>th</sup> day of March 2020.**

**E.O.OBAGA**

**JUDGE**

In the Presence of :-

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Court Assistant: Hilda

**E.O. OBAGA**

**JUDGE**