



Wanderi v Mwangi (Administrator of the Estate of Mwangi Njuguna) (Environmental and Land Originating Summons E001 of 2023) [2025] KEELC 6552 (KLR) (30 September 2025) (Judgment)

Neutral citation: [2025] KEELC 6552 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MURANGA
ENVIROMENTAL AND LAND ORIGINATING SUMMONS E001 OF 2023
MN GICHERU, J
SEPTEMBER 30, 2025**

BETWEEN

GRACE NJOKI WANDERI APPLICANT

AND

TERESA NJERI MWANGI RESPONDENT

ADMINISTRATOR OF THE ESTATE OF MWANGI NJUGUNA

JUDGMENT

1. The Applicant seeks three (3) orders in her originating summons dated 11-7-2023.
 1. That the title of Mwangi Njuguna (deceased) over L.R. No. Loc.12/Sub-Loc.1/471 has been extinguished by way of adverse possession in favour of the Applicant.
 2. That the name of Mwangi Njuguna(deceased) in the register for land parcel Loc.12/Sub-Loc.1/471 be deleted and that of the Applicant be inserted and a title be issued to the Applicant.
 3. That the costs of this suit be borne by the Respondent.
2. The summons is supported by an affidavit sworn by the Applicant dated 11-7-2023. The affidavit has eight (8) annexures. The gist of the summons is as follows. One, the Applicant is the wife of the late Mwangi Njuguna while the Respondent is the wife of Michael Mwangi who is a brother to Applicant's husband. In other words, the two parties are widows of the two siblings. Two, the Applicant has been in occupation of the suit land which measures 0.76 hectares since 1972. The Applicant has developed the land by planting coffee trees, avocados, silky oak trees and Macadamia trees. All these crops were planted by the Applicant's husband around 1974. Three, the late Mwangi Njuguna who has never used or been in occupation of the suit land since he was registered as owner in the year 1992. Four, the Applicant has been in possession of the suit land in a manner that is open, without force and without



the consent of the registered owner who never attempted to evict her despite knowing of her possession and use of the land. The Applicant's children John Maina Wanderi and James Maina Wanderi were born on the suit land. One of the Applicant's sons has built a house on the suitland where he has been residing with his family for over ten (10) years. Five, the original owner of the land Ithiru Njuguna, the Applicant's father in law died when the Applicant's late husband was only two weeks old and his brother Mwangi Njuguna obtained ownership of the suit land secretly without the knowledge of his brother, the Applicant's husband. Finally, the Applicant's suit is not based on any succession claim but solely on adverse possession.

3. In addition to the supporting affidavit the Applicant filed the following documents.
 - i. Copy of Grant in Case No. 226/2007 PM's Court Murang'a.
 - ii. Copy of certificate of death for Josphat Wanderi Njuguna dated 12-4-2023.
 - iii. Copy of letter by Chief of Muguru Location dated 3-7-2023.
 - iv. Limited Grant ad litem dated 6-7-2023.
 - v. Certificates of birth for Josphat Wanderi Njuguna and James Mwangi both dated 27-8-1986.
 - vi. Copy of green card for the suit land running from 9-4-1962 to 1-9-2000 .
 - vii. Other documents.
4. The Respondent filed a replying affidavit dated 14-8-2023 and a preliminary objection dated 25-10-2023 but when the court dismissed her preliminary objection on 16-7-2024, she lost interest in the case because even after she was served with the hearing notice on 24-6-2025 requiring her to come for hearing on 21-7-2025 she did not turn up. The case proceeded ex parte on 21-7-2025.
5. I have carefully considered the summons in its entirety including the evidence adduced by the Applicant and her witness on 21-7- 2025. This evidence is unchallenged by any evidence from the Respondent. The only issue to be decided in this case is whether the Applicant has met the threshold in Section 9(1) and 13 of the Limitation of Actions Act.

I find that the Applicant has met this threshold because she has dispossessed the registered owner for a period in excess of 12 years. Mwangi Njuguna became registered as owner of the suit land on 20-1-1992 and when this suit was filed on 12-7-2023, the Applicant had been in adverse possession of the land for over 31 years which is in excess of 12 years provided for in Section 7 of the Limitation Act.

6. In conclusion and for the reasons already given, I enter judgment for the Applicant against the Respondent as prayed for in terms of prayers 1,2 and 3 of the originating summons dated 11-7-2023.

It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY AT MURANG'A THIS 30TH DAY OF SEPTEMBER, 2025.

M.N. GICHERU JUDGE.

Delivered online in the presence of; -

Court Assistant – Mwangi Njonjo

Applicant's Counsel – Miss Murira

Respondent – Absent

