

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT NAIROBI

JR. CASE NO. 2 OF 2019

REPUBLIC.....APPLICANT

AND

THE CHIEF LAND REGISTRAR.....RESPONDENT

JAMES KIMANI KANYORO.....EXPARTE APPLICANT

RULING

1. I have considered the chamber summons dated 28/1/2019 together with all the materials attached thereto. The ex-parte applicant contends that his land was fraudulently transferred to third parties. This culminated in criminal proceedings against the culprit(s). The current title holders entered into a compromise with the ex-parte applicant and executed transfer instruments in favour of the ex-parte applicant. The Land Registrar has, however, failed to register the instruments and or act on the ex-parte applicant's application.

2. I am satisfied that the application discloses a prima facie cause of action calling for further consideration through a substantive motion. Consequently, leave is hereby granted to the exparte applicant in terms of prayer 2 of the chamber summons.

The substantive motion shall be commenced within twenty one (21) days. In default, the leave granted herein shall lapse. Mention on 6/3/2019.

DATED, SIGNED AND DELIVERED AT NAIROBI ON THIS 29TH DAY OF JANUARY 2019.

B M EBOSO

JUDGE