



Administrators of the Estate of Letoire ole Ntirori (Deceased) & 9 others v Mwangi & 25 others (Civil Appeal E620 of 2024) [2025] KECA 1585 (KLR) (3 October 2025) (Judgment)

Neutral citation: [2025] KECA 1585 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPEAL E620 OF 2024
M NGUGI, F TUIYOT'T & GV ODUNGA, JJA
OCTOBER 3, 2025**

BETWEEN

**THE ADMINISTRATORS OF THE ESTATE OF LETOIRE OLE NTIRORI
(DECEASED) 1ST APPELLANT
NAIPOSHA NTIRORI 2ND APPELLANT
THE ADMINISTRATOR OF THE ESTATE OF NICHOLAS SANE
SERENJI 3RD APPELLANT
JOHN OSHUMU LETOIRE 4TH APPELLANT
JAMES TAIS LETOIRE 5TH APPELLANT
SHADRACK SEPETUKA LETOIRE 6TH APPELLANT
RICHARD SAITOTI LETOIRE 7TH APPELLANT
PAUL IBUTA LETOIRE 8TH APPELLANT
WILSON MESHUKO LETOIRE 9TH APPELLANT
DANIEL PARKEITO (TINITINI) LETOIRE 10TH APPELLANT**

AND

**JULIUS ONESMUS MWANGI 1ST RESPONDENT
LENAH NJAMBI MUIRU 2ND RESPONDENT
ROSE NJAMBI MUNGA 3RD RESPONDENT
SUSAN NYAGUTHI GAITITU 4TH RESPONDENT
JACINTA N. NKONYO 5TH RESPONDENT
DOROTHY KIMATHI 6TH RESPONDENT**



GICHERU WANDERI ISAAC	7 TH RESPONDENT
JOSEPH MUKAMBI KHAKAME	8 TH RESPONDENT
NINA LUGONZO	9 TH RESPONDENT
ZAKARIA MANYURA OGERA	10 TH RESPONDENT
CAROLINE WANGECI MUGO	11 TH RESPONDENT
JOHNSTONE AMBROSE ANKAKA	12 TH RESPONDENT
THOMAS OKELLO OWINY	13 TH RESPONDENT
MARGARET GESARE OGARO	14 TH RESPONDENT
ESTHER NYAGUTHII NDERITU	15 TH RESPONDENT
AHMED YUSUF	16 TH RESPONDENT
KEFA OKWEMA BONAYA	17 TH RESPONDENT
JEREMIAH ORUKO	18 TH RESPONDENT
DICKSON WANJALA NASOKHO BARASA	19 TH RESPONDENT
REUBEN MICHIRIE MUGO	20 TH RESPONDENT
MUNGAI GACHUHI	21 ST RESPONDENT
WILBROTE NASOKHO BARASA	22 ND RESPONDENT
SAMSON WAMBISI	23 RD RESPONDENT
SUSAN CHEPTEKENY MAINA	24 TH RESPONDENT
JOSEPHAT KIMUTAI LAGAT	25 TH RESPONDENT
MOSES SIRONIK MURAYA	26 TH RESPONDENT

(Being an appeal from the judgment and orders of the Environment and Land Court at Kajiado (M.N Gicheru, J) dated 12th June 2024 in Kajiado ELC No. 534 of 2017)

JUDGMENT

1. We consider in this judgment an appeal from the decision of the Environment and Land Court (ELC) (Gicheru, J.) in Kajiado dated 12th June 2024 in which the court allowed the respondents' claim against the appellants and dismissed the appellants' counterclaim with costs to the respondents. As this is a first appeal, we are under a duty to evaluate and analyse the evidence presented before the trial court and reach our own conclusion-see *Selle v Associated Motor Boat Co.* [1968] EA 123.
2. The dispute before the ELC related to ownership of various parcels of land which resulted from subdivision of land parcel number Kajiado/Ololoitikoshi/Kitengela/2002, registered in the name of Letoire Ole Ntirori (deceased, hereafter referred to as 'Ntirori'). In their plaint dated 29th November 2013 and amended on 11th October 2018, the respondents sought: a permanent injunction restraining the appellants, their servants and or agents from trespassing, constructing, selling, transferring, wasting, leaving and disposing of the suit properties being Kajiado/Kitengela 2601, 5487, 5522-5, 23839,



- 23942, 23944, 24216, 24422-5, 2530-3, 26897, 27227, 27338, 32449-51, 32454, 14409, 14417 and 12941 (hereafter ‘the suit properties’); an order evicting the appellants from the suit properties, to be executed by the Officer Commanding Station (OCS), Ongata Rongai Police Station; and an order for the demolition of any structures erected on the suit properties by the appellants, whether permanent or temporary, to be executed by the OCS Ongata Rongai Police Station. The respondents also sought the costs of the suit, as well as interest thereon.
3. The respondents’ case as set out in their amended pleadings and in evidence before the trial court was that upon subdivision of Kajiado/Ololoitikoshi/Kitengela/2002 (also referred to by the parties as Kajiado/Kitengela/2002), Ntirori sold parcel number Kajiado/Kitengela/2601 to the 3rd respondent, Rose Njambi Munga, who obtained a title in respect thereof on 19th June 1992; that the 27th respondent, Wanjiru Wa Salim purchased Kajiado/Kitengela/2604 from Ntirori and was registered as the owner thereof on 28th June 1993; that one Norbert Kawala purchased Kajiado/Kitengela/2602 from Ntirori and was registered as the owner on 7th March 1991; that thereafter, Kawala subdivided the said parcel into four parcels, Kajiado/Kitengela/5522, 5523, 5524 and 5525, which were thereafter sold to Susan Nyaguthi Gaititu (the 4th respondent), Jacinta Nkoyo (the 5th respondent) and Dorothy Kimathi (the 6th respondent) respectively.
 4. According to the respondents, Nahashon Muraya Sironik (deceased), the 25th respondent, purchased Kajiado/Kitengela/5487 from Ntirori. The said parcel was a subdivision of Kajiado/Kitengela/2605, as was parcel number Kajiado/Kitengela/5488, which Ntirori subdivided into parcel numbers Kajiado/Kitengela/6762, 6763 and 6764 which he sold to Isaac Gicheru Wanderi (the 7th respondent), Joseph Makumbi Khakame (the 8th respondent) and Zacharia Manyura Ogera (the 9th respondent) respectively.
 5. Without entering into the minutiae of the transactions involving the suit properties as narrated by the respondents in their pleadings and evidence before the trial court as they are not material to the determination of the issues that arise in this appeal, the essence of the respondents’ case is that they had purchased their respective parcels either directly from Ntirori, his sons (some of whom, like the 3rd appellant, are deceased), or from parties who had purchased land parcels from Ntirori and subdivided it.
 6. The respondents’ case was presented to the trial court by six witnesses: the 2nd respondent (referred to in the appeal as Lena ‘Njambi’ Muiru), Lena Wanjiku Muiru (PW1), the 26th respondent, Chris Munga Nyamatarabi Bichange (PW2), the 15th respondent, Mungai Mahia (PW3), Rose Njambi Munga (PW4), PC Elijah Njagi and the District Land Registrar, Kajiado, and in the witness statements filed in court. The respondents reiterated the history relating to the sale of the suit properties as set out in the witness statements, initially by Ntirori and his sons, the 3rd -5th appellants, and thereafter, upon subdivision, by the purchasers. The respondents produced in evidence certificates of titles, official searches, mutation forms and agreements for sale between the appellants and the respondents. They asserted that the appellants had trespassed on the suit properties, and prayed for the orders set out in the Amended Pleadings.
 7. The evidence of the 3rd respondent, Rose Njambi Munga, is illustrative of the respondents’ case. In her evidence as set out in her statement dated 14th December 2021, the 3rd respondent produced several hand-written agreements between herself and Ntirori, running from 1984 to 1992, in which receipt of various sums towards purchase of Kajiado/Kitengela/2601, measuring 28.33 hectares, was acknowledged by Ntirori. It was her testimony that she was issued with a title to the property on 16th June 1992.



8. The 3rd respondent further stated that sometime in 2013, she received reports of suspicious activities at the Kajiado Land Registry involving the property registered in her name, Kajiado/Kitengela/2601. Upon carrying out a search at the Registry, she found that the green card was missing. She wrote a letter of complaint to the District Registrar in Kajiado, and the Land Registrar issued a notice on 8th October 2013 through Kenya Gazette Notice No.14291 in Kenya Gazette Vol. C.V- No.157, published on 11th November 2013. As there was no objection to the reconstruction of the land register in respect of the said property, she was issued with a certified copy of the register (green card). Thereafter, several searches of the property at Kajiado Land Registry confirmed that she is the registered and lawful owner of L.R No. Kajiado/Kitengela/2601.
9. In their statements, the other respondents gave similar evidence relating to the purchase of the suit properties registered in their names, and documents in support thereof were produced before the trial court. It was the respondents' case that the appellants had trespassed on the suit properties and constructed temporary and permanent buildings thereon, removed beacons and planted trees thereon, and they prayed for the orders sought in the amended plaint.
10. The respondents also relied on the evidence of two police officers.
PW5, Elijah Njagi, a CCIOS officer in Kajiado, produced a report dated 8th November 2022 in respect of Ntirori's identity card, one bearing number 3928425 and another with the number 3248425. His evidence, on the basis of a letter dated 7th November 2022 from the National Registration Bureau was that ID No. 3928425 had been issued erroneously to Ntirori.
11. PW6, Cpl. Itenny Kajido of DCIO Kajiado produced an investigation report regarding Kajiado/Kitengela/12941 and 12942 which the respondents testified had been sold to Mungai Gachuhi Mahia, the 15th respondent.
12. The District Land Registrar, Kajiado, Bernard Leitich, produced a report dated 23rd January 2023. The report was prepared pursuant to orders of the trial court issued on 8th November 2022, pursuant to which a meeting of the parties, attended by the appellants and the respondents, their respective counsel and the District Land Registrar and other Lands officials was held on 6th December 2022 for the purpose of establishing the position with respect to the disputed titles arising from the subdivision of Kajiado/Ololoitikoshi/Kitengela/2002. The gist of the report was that the titles held by the respondents were genuine, while those held by the appellants were not authentic.
13. In opposing the respondents' case, the appellants filed a defence and counterclaim dated 10th February 2014 in which they denied the respondents' claim. They asserted that the respondents' titles were obtained by fraud, and that there was a pending case, ELC No 1376 of 2013- Letoire ole Ntirori v Zachariah Manyara Ogera. In their counterclaim, they asserted that they were the registered owners of the suit properties, individually and as a family; that Ntirori was the original registered owner of the suit properties, whose mother title was Kajiado/Ololoitikoshi/Kitengela/2002; that upon Ntirori subdividing his original land, unscrupulous individuals, in collusion with Kajiado County Land officials, created parallel title deeds to those owned by the appellants; and that they acquired land title deeds without the consent and knowledge of the appellants.
14. The appellants gave the particulars of fraud as being: colluding and making title deeds of the land; making identity documents of Ntirori and forging his signature; transferring his land without his knowledge; interfering with Kajiado County Land Registry records; and making land title deeds when genuine ones exist.



They prayed for an injunction restraining the respondents from interfering with land title numbers KJD/Ololoitikoshi/2601, KJD/Kitengela/26370;26369;26367;26368;6793;49536;49536;49535;60089 and ‘others’. They also prayed for cancellation of the titles to the suit properties registered in the names of the respondents, and for the costs of the suit.

15. We note that the respondents, in their Reply to the Defence and Defence to the Counterclaim dated 27th February 2014, reiterated the contents of their plaint and denied the allegations of fraud contained in the counterclaim.
16. At the hearing of the suit, evidence for the appellants was presented by John Oshumu, the 3rd appellant, and his brother, Richard Saitoti Letoire, the 5th respondent, who testified and adopted their written statements dated 10th of February 2014. The essence of their case was that the suit properties, subdivisions of Kajiado/Ololoitikoshi/Kitengela/2002, were ancestral land, registered initially in the name of Ntirori; that they had lived on the suit properties since their birth, and that they had built their homes thereon.
17. The appellants traced the genesis of the matter to the arrest, in 2012, of one of their brothers, one Shadrack Letoire (the 6th appellant), and his arraignment in Kibera Court with the offence of malicious destruction of property belonging to one David Ngumo Wachira, who was claiming their land. They alleged that it was thereafter discovered by the deceased that some title deeds to his lands were missing; that he reported the matter to Ongata Rongai Police Station; that investigations established that people had fraudulently transferred their land and had parallel title deeds, intimating that the respondents were unscrupulous individuals who wanted to defraud the deceased and take his land.
18. They further alleged that the documents before the court showed that identity card numbers 2032437, 3928425 and 7928425, which did not belong to the deceased, whose ID card number was 3428425, had been used in the transactions involving the suit properties.
19. Upon hearing the suit, the trial court allowed the respondents’ claim. It found that they are the registered owners of the suit properties; that the appellants had not established fraud on the part of the respondents; that the respondents had established that they were entitled to the orders sought in the amended plaint; and that the appellants were not entitled to the prayers sought in the counterclaim. It accordingly entered judgment in terms of the prayers sought in the amended plaint.
20. Aggrieved by the decision, the appellants filed the present appeal in which they raise four grounds of appeal in the memorandum of appeal dated 16th August 2024. In their submissions dated 8th November 2024 which were highlighted by their counsel, Mr. Mukonyi, the appellants summarise their grounds of appeal into three, namely that the learned judge erred in law and fact in: finding that the appellants had failed to prove fraud on the part of the respondents despite sufficient evidence particularising such fraud; in allowing the orders sought in the plaint; and in finding that the respondents are the rightful owners of the suit property in spite of the appellants having title to the land and having lived on it all their lives.
21. The appellants relied on sections 24, 25 and 26 of the *Land Registration Act* No 3 of 2012 and the case of *Munyu Maina v Hiram Gathiha Maina* [2013] KECA 94 (KLR) to submit that they had raised, among others, the issue of fraud; that they had given particulars of the fraud in their counterclaim and had proved the said allegation by showing how exactly the fraud was perpetrated to disenfranchise them of their ancestral land, first, by the use of a fake identity card to transfer the parcels of land from the deceased to the respondents; and by the inability by the respondents and the Lands Registry to



- produce documentation, either by way of transfer or Land Control Board consent, to show that the land was transferred to the respondents.
22. The appellants submitted further that in light of their evidence, they were the rightful owners of the suit property; that they had demonstrated that the respondents had orchestrated an elaborate scheme of fraud to take away the appellants' land; and the trial court should have considered the counterclaim and revoked any titles obtained through fraudulent means.
 23. The appellants further relied on the decision of the Environment and Land Court (Sila Munyao, J.) in *Hubert L. Martin & 2 Others v Margaret J. Kamar & 5 Others* [2016] KEELC 1092 (KLR) to submit that they were able to show how they acquired their titles; that there was no dispute that Ntirori was the owner of the mother title, Kajiado/Ololoitikoshi/Kitengela/2002; and that it is unclear how the respondents obtained the titles in their possession. They urged this Court to allow their appeal and find that they are the lawful owners of the suit properties.
 24. The 1st, 2nd and 4th-27th respondents filed submissions dated 19th November 2024 which were highlighted by their learned counsel, Mr. Mungai, at the hearing. The respondents submitted at the outset that they had no interest or claim in the properties listed at paragraph 2 of the counterclaim and under prayer
 - (a) of the counterclaim save for Kajiado/Ololoitikoshi/Kitengela/2601; that while the appellants sought cancellation of the respondents' titles at prayer
 - (b) of their counterclaim, they had not, in the counterclaim, claimed ownership of the said properties.
 25. The respondents submitted that the trial court did not err in finding in their favour. They identified three issues as arising for determination before us, namely: who the legitimate proprietors of the suit properties were; whether the appellants had proved fraud to the required standard; and who was entitled to orders of permanent injunction and eviction. With respect to the first issue, the respondents submitted that they are the legitimate owners of the suit properties and were entitled to vacant possession. They traced the history of the suit property, from the subdivision of parcel number Kajiado/Kitengela/2002 that was owned by Ntirori who subdivided the said parcel into parcels 2601, 2602, 2603, 2604 and 2605, with the respondents claiming ownership in respect of parcel numbers 2601, 2602, 2604 and 2605; that this latter parcel had been subdivided into many parcels by Ntirori and the subdivisions sold, as evidenced in the Land Registrar's report produced in court.
 26. The respondents submitted that they had purchased their respective parcels either from Ntirori or his sons, Nicholas Sane Serenji, John Oshumu and James Tais, the 3rd, 4th and 5th appellants; while others purchased their parcels from those who bought directly from the Ntiroris; that they had produced before the trial court several documents as listed in paragraph 4 of the trial court's judgment as evidence of their ownership of the suit properties, among them genuine title deeds, mutation forms, and certificates of search confirming that they were the proprietors of the suit properties, as well as agreements for sale of the suit properties and certified copies of green cards.
 27. The respondents submitted that contrary to the contentions by the appellants, they had not used a fake identity card to transfer the suit properties to themselves. They submitted that a copy of Ntirori's identity card at page 430 of the record of appeal bears the same identity card number as captured in the sale agreements.
 28. It was their submission further that the parties hereto had appeared before the District Land Registrar with their original title deeds pursuant to a consent order issued on 8th November 2022; that in the



report filed in court dated 23rd January 2023, which was produced in evidence by the Land Registrar, as well as in two previous reports of 16th January 2019 and 27th November 2019 prepared by the District Land Registrar after parties had appeared before him, it was confirmed that the respondents were the lawful owners of the suit properties and their titles were genuine, while those held by the appellants were not authentic.

29. They submitted that the trial court was therefore correct in its finding that under section 9 of the [Land Registration Act](#), the Registrar is the custodian of land records and his word, backed by the available documents, including the green cards and presentation book on who is the registered owner, is very authoritative. The respondents therefore urged us to uphold the finding of the trial court that they are the absolute and indefeasible owners of the suit properties as provided under section 26 (1) of the [Land Registration Act](#).
30. In submissions dated 28th November 2024, the 3rd respondent submitted that the ELC did not err in finding in her favour in its decision; that it established that she obtained a title deed for Kajiado/Ololoitokoshi/Kitengela/2601 on 19th June, 1992, having purchased it from Ntirori, to whom she had been introduced by a mutual friend; and that between March 1984 and 1992, she entered into a series of transactions for the purchase of the land parcel. The 3rd respondent reiterated the evidence presented before the trial court, including the evidence and report of the District Land Registrar and the findings of the trial court, in support of her submission that the trial court properly reached its decision, which this Court should uphold.
31. We have considered the record of appeal and the submissions of the parties. This appeal turns, in our view, on determination of two issues. First, whether the trial court erred in finding that the respondents were the owners of the suit properties; and second, whether the trial court erred in finding that the appellants had failed to establish fraud against the respondents, and in dismissing their counterclaim. The two issues are inextricably interlinked: were we to find that the trial court erred in finding that the appellants had not proved their allegations of fraud, and that indeed there was evidence of fraud on the part of the respondents, then it would follow that the respondents were not entitled to the suit properties, and that the trial court should have found in favour of the appellants.
32. We consider, first, the respondents' claim to the suit properties.

There is no dispute that the suit properties resulted from subdivision of Kajiado/Ololoitokoshi/Kitengela/2002 (Kajiado/Kitengela/2002), registered in the name of Ntirori, into five parcels, Kajiado/Kitengela/2601, 2602, 2603, 2604 and 2605. The evidence before the trial court indicates that sale transactions took place between some of the respondents and Ntirori and his sons, directly, before the purchasers subdivided and sold the resulting parcels to other respondents. A few illustrations should suffice.
33. From the evidence, Ntirori sold parcel number Kajiado/Kitengela/2601 to the 3rd respondent, Rose Njambi Munga. We have examined the exhibits before the trial court and noted handwritten agreements between Ntirori and the 3rd respondent, running from 1984 to 1992. The first agreement, dated 3rd March 1984, was for 30 acres at Kshs. 3,000 per acre, and another 10 acres at Kshs 4,000 per acre. We note that there are several acknowledgments of payment by Ntirori: receipt of Kshs 62,000 on 8.8.1984; Kshs. 5,000 each on 15th and 26th August 1984; and Kshs. 30,000 on 13th October 1984.
34. The evidence further shows that by agreement dated 19th December 2006, Ntirori sold parcel number Kajiado/Kitengela/6763 and Kajiado/Kitengela/ 22465 to Zakaria Ogera Manyura and Joseph Mukambi Khakame. The ID card number indicated in these agreements, which are typed,



is 3428425/66. We have also considered the other documents in the record of appeal, including the certificates of title, the mutation forms, and the certificates of official search.

35. Further, we have noted the evidence and report by the District Land Registrar dated 23rd January 2023. The report, issued after a meeting with the parties in which the appellants, John Oshumu and his brothers, were present, together with the respondents, resulted in a finding by the Registrar that the titles held by the respondents were genuine, and those held by the appellants were not authentic. In agreeing with the findings of the District Lands Registrar, the trial court noted the provisions of section 9 and 26 of the [Land Registration Act](#) and observed that:

“On the first issue, I find that is the plaintiffs who are the lawful owners of the suit land. Firstly, it has been confirmed by the land Registrar that [it] is the plaintiffs’ title deeds that are genuine while those held by the defendants are not authentic. Under section 9 of the [Land Registration Act](#) ... the Registrar is the custodian of the land records. His word on who is the registered owner is very authoritative. It is backed by good reasons and the available documents including green card and presentation book. Registrar was to verify the original documents and title deeds presented by the parties. He was not alone. He was with the parties and their advocates as well as his own colleagues from the Land Registry. I find no reason to doubt his evidence. I find that he came to the right conclusion and his report is largely in agreement with reports by his predecessor’s office who had also found the transfers by the I” defendant to the plaintiffs proper.”

36. Section 9 of the [Land Registration Act](#) vests in the Registrar the duty to maintain the land register and any documents required to be maintained under the Act. Section 26 provides that:

1. The certificate of title issued by the Registrar upon registration, or to a purchaser of land upon a transfer or transmission by the proprietor shall be taken by all courts as prima facie evidence that the person named as proprietor of the land is the absolute and indefeasible owner, subject to the encumbrances, easements, restrictions and conditions contained or endorsed in the certificate, and the title of that proprietor shall not be subject to challenge, except—
 - a. on the ground of fraud or misrepresentation to which the person is proved to be a party; or
 - b. where the certificate of title has been acquired illegally, unprocedurally or through a corrupt scheme.

37. Having considered the issues before us, the evidence before the trial court and the provisions of the law, we are satisfied that the trial court’s decision was correct on the facts and the law. We say this bearing in mind that the basis of the appellants’ challenge to the respondents’ title was anchored on an allegation of fraud, specifically an allegation that they had forged Ntirori’s signature, and that the ID number in the sale agreements did not correspond to that of Ntirori.

38. It is well-established that allegations of fraud must be specifically pleaded, and must be proved on a higher standard than the balance of probabilities required in civil cases- see *Vijay Morjaria v Nansingh Madhusingh Darbar & another* [2000] eKLR and *Kinyanjui Kamau v George Kamau Njoroge* [2015] eKLR.

39. The allegations of fraud revolve around Ntirori’s identity card number. The evidence with respect to it was tendered by DW2, Richard Saitoti, and DW3, Cpl. John Nyakundi Getonto. Saitoti, who testified that he was born in 1989 but that he had built on the suit properties in 2000 (at the questionable age of 11), claimed ownership of Kajiado/ Kitengela/12491 but confirmed that he had title to Kajiado/



Kitengela/ 26370. Cpl. Getonto, a DCI officer who appeared to have been, at some point, based in Ongata Rongai, testified that unscrupulous individuals had used fake identity cards to transfer land from the deceased to themselves, and later sold the land to unsuspecting buyers. The nature and tenor of his evidence, which also cast aspersions on his superiors, must be taken with circumspection as it appears that he was not assigned to investigate the matter or testify with regard thereto. There is, however, no evidence tendered by the appellants to show who committed the alleged fraud, who forged Ntirori's signature, and how the alleged fake ID numbers were obtained and used, and by which respondents.

40. In any event, as noted earlier, sale agreements between Ntirori and the respondents who purchased their parcels from him bore the ID card number that the appellants testified was his. Further, John Oshumu and James Tais, who also sold some of the suit properties, have not alleged fraud with respect to the parcels that they sold. We note that by agreements dated 9th November 2005, John Oshumu sold Kajiado/Kitengela/23943 measuring 3 acres to Reuben Michire Mugo for Kshs. 450,000, which he acknowledged receipt of; while James Tais Letoire sold parcel numbers Kajiado/ Kitengela/25031 and 26897 to Nina Lugonzo pursuant to agreements dated 9th December 2006 and 12th April 2007.
41. Our analysis of the facts and the law relating to this matter leads us to the inescapable conclusion that the trial court, in the impugned judgment, correctly found in favour of the respondents. The appellants, having sold the suit properties following the subdivision of the original property, Kajiado/Ololoitikoshi/Kitengela/2002 (Kajiado/Kitengela/2002) may have reconsidered the wisdom of the transactions. The evidence on record, however, comprising sale agreements, acknowledgements of payment, mutation forms, green cards and certificates of title, as well as the report of the District Land Registrar, cannot allow them to get away with allegations of fraud, unproven to the required standard, and unsubstantiated even on a lower burden of proof.
42. We accordingly find the appellants' appeal to be devoid of merit, and it is hereby dismissed with costs to the respondents.

DATED AND DELIVERED AT NAIROBI THIS 3RD DAY OF OCTOBER, 2025.

MUMBI NGUGI

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JUDGE OF APPEAL

F. TUIYOTT

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JUDGE OF APPEAL

G.V. ODUNGA

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JUDGE OF APPEAL

I certify that this is a true copy of the original.

Signed

DEPUTY REGISTRAR.

