



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT NAKURU

ELC NO.275 OF 2016

GEOFFREY MANYARA WANGUHU GITHIOMI And

DAVIS KAMAU (Suing as the Legal Representative of the Estate of

Davis Kamau Wanguhu (Deceased).....PLAINTIFFS

VERSUS

BADIH MIKE SIOYI.....1ST DEFENDANT

JULIA MUTHONI MWANGI.....2ND DEFENDANT

COUNTY GOVERNMENT OF NAKURU.....3RD DEFENDANT

ADDENDUM TO THE JUDGMENT OF 13 JUNE 2018

1. In this suit, the plaintiffs claimed ownership of the land parcel Nakuru Municipality Block 15/314 which is a leasehold title from the predecessor of the 3rd defendant. The plaintiffs contended that the deceased whom they represent was the one entitled to the lease, but that instead, a leasehold title was prepared in the name of the 1st defendant who transferred the same to the 2nd defendant. I heard the case, and held that I had no material to impeach the title of the 2nd defendant. I however had evidence that the predecessor of the 3rd defendant did lead the deceased to believe that he had been allotted the suit land and that title would be issued to him. The deceased thus paid the stand premium and all other fees that a title holder would be required to pay. I held that the deceased held a legitimate expectation that he would be issued with a leasehold title which did not happen. I thus entered judgment for the plaintiffs for their alternative prayer for compensation for the value of the suit land as against the 3rd defendant.

2. I did not have the value of the suit land when I pronounced judgment and I directed that the land be valued by the Government valuer and a report be prepared. This was done, and I have with me the report dated 16 July 2018 prepared by the Government valuer. He has given the value of Kshs. 4,000,000/= as the current value of the suit land.

3. Given that position, I now make specific the judgment for the value of the suit land. I now enter judgment in favour of the plaintiffs as against the 3rd defendant for the amount of Kshs. 4,000,000/=. The same to attract interest from 13 June 2018, which is the date that judgment was pronounced. As ordered in the judgment the plaintiff is also awarded costs as against the 3rd defendant.

4. Orders accordingly.

Dated, signed and delivered in open court at Nakuru this 19TH day of February 2019.

JUSTICE MUNYAO SILA

ENVIRONMENT & LAND COURT AT NAKURU

In presence of : -

Ms. Kinuthia holding brief for Mr. Mbiyu for the plaintiff

No appearance for the defendants.

Court Assistant :Nelima Janepher

JUSTICE MUNYAO SILA

ENVIRONMENT & LAND COURT AT NAKURU