



Kangethu (Suing as the personal representative of the Late James Kangethu Njoroge) v Public Trustee (As the administrator of the Estate of Giovanni Theodore Sovic - Deceased) & 3 others (Environment and Land Case 73 of 2017) [2025] KEELC 7196 (KLR) (22 October 2025) (Ruling)

Neutral citation: [2025] KEELC 7196 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KITALE
ENVIRONMENT AND LAND CASE 73 OF 2017
CK NZILI, J
OCTOBER 22, 2025**

BETWEEN

**JECINTA KAGURE KANGETHU PLAINTIFF
SUING AS THE PERSONAL REPRESENTATIVE OF THE LATE JAMES
KANGETHU NJOROGE**

AND

**THE PUBLIC TRUSTEE (AS THE ADMINISTRATOR OF THE ESTATE OF
GIOVANNI THEODORE SOVIC - DECEASED) 1ST DEFENDANT
JOHN BERTRAM STEYN 2ND DEFENDANT
ADMINISTRATORS OF THE ESTATE OF JOHN BERTRAM
STEYN 3RD DEFENDANT
THE CHIEF LAND REGISTRAR 4TH DEFENDANT**

RULING

1. The court is asked by an application dated 18/7/2025 to issue an order vesting legal ownership of parcel No. LR No. 6157 (Original No. 5552/2/6), situated within Kitale Municipality in the name of the applicant, Jacinta Kagure Kangethe, and the Nairobi Land Registrar to act upon the said vesting order as an instrument of transfer to proceed to register her as the legal proprietor, and issue a title deed in her favour.
2. The reasons are contained on the face of the application and in a supporting affidavit sworn by Jacinta Kagure Kangethe on 8/7/2025. It is deposed that through a judgment delivered on 29/7/2022, the applicant was declared the lawful owner of the land, to which she commenced the execution proceedings to have the title to the land under her name.



3. The applicant deposes that the Public Trustees, who were holding the property as part of an estate, have declined or refused to execute the requisite transfer documents to facilitate the registration in her favour.
4. The applicant deposes that she subsequently filed an application seeking to have the Deputy Registrar of this court execute the transfer forms on behalf of the Public Trustees, who did that as per annexure marked JKK-(2) and 3(a) and (b).
5. Despite the above, when the duly executed transfer documents were presented to the Nairobi Land Registrar, he declined to issue a title deed in her name, citing the absence of a vesting order.
6. The applicant urges the court to exercise its jurisdiction under Section 98 of the [Land Registration Act](#) to grant the orders sought to effectuate the decree; otherwise, she shall continue to suffer prejudice and or enjoy the fruits of her judgment.
7. The applicant relies on written submissions dated 30/7/2025. Reliance is placed on *Jane Wanjiru Njeru v Rosemary Wanjiru Mwangi & Others* [2019] eKLR, *Re Estate of Leonard Mutua Muinde (deceased)* [2021] eKLR, *Republic v Chief Land Registrar & Another Ex parte Yosabi Kerubo Mangara* [2018] eKLR, and *Kenya Hotels Properties Ltd v Willesden Investment Ltd* [2009] KLR 126.
8. The powers and supervisory role of the court in Kenya regarding property held in trust is the [Public Trustees Act](#), the [Trust of Land Act](#), the [Trustee Act](#), and Order 37 of the [Civil Procedure Rules](#).
9. Sections 15 and 17 of the [Public Trustee Act](#) set out the objectives, powers, and duties of a Public Trustee. They include the identification and collection of assets, identification of the beneficiaries, management, and subsequent transmission of both movable and immovable property either as an estate or a trust.
10. Disputes arising between a beneficiary and a public trustee are governed by Section 11 of the Act. A party aggrieved has to file a petition in court for the dispute to be determined. Any person or beneficiary interested in any immovable property vested in the public trustee may apply by a petition under Section 14 for partition.
11. Termination of or the transfer of a property vested in a Public Trustee is governed by Section 20 of the Act. Under the Section, the court has powers to make such vesting orders as the circumstances may seem to the court to be necessary or expedient. Section 23 of the Act grants the court powers to make such orders as it thinks fit respecting any trust property vested in the Public Trustee.
12. In this application, I have not seen any official search certificates to show that the suit property is vested in the office of the Public Trustee. Correspondences showing that the Public Trustee was asked to sign the transfer forms and declined to do so have not been attached. When the suit property became vested with the Public Trustee as well as the Public Trustee's case has not been disclosed.
13. Correspondence from the Nairobi Land Registrar declining to register the instruments of transfer has not been attached. A petition in compliance with the [Public Trustee Act](#) is not what is before the court. The application before the court was not served upon the office of the Public Trustee; if at all, it is that office which has declined or neglected to effectuate the decree of this court.
14. Orders 22 and 49 of the [Civil Procedure Rules](#) are the rules governing execution proceedings. A decree of the court must have a decree holder and a judgment debtor. The decree that is being frustrated is not attached to the application. Procedure is the hand maiden of substance.



15. The upshot is I find the application both incompetent and lacking merits. It is dismissed with no orders as to costs.

16. Orders accordingly.

RULING DATED, SIGNED, AND DELIVERED VIA MICROSOFT TEAMS/OPEN COURT AT KITALA ON THIS 22ND DAY OF OCTOBER 2025.

In the presence of:-

Court Assistant – Dennis

Nabwile for applicant present

No appearance for the respondents

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HON. C.K. NZILI

JUDGE, ELC KITALA.

