



**Siele & another v Nyale & 6 others (Environment and Land Case
E003 of 2021) [2025] KEELC 7633 (KLR) (5 November 2025) (Judgment)**

Neutral citation: [2025] KEELC 7633 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MALINDI
ENVIRONMENT AND LAND CASE E003 OF 2021
FM NJOROGE, J
NOVEMBER 5, 2025**

BETWEEN

**RUTH CHEROTICH SIELE 1ST PLAINTIFF
NEWTON MWANGI GIKONYO (SUING AS THE PERSONAL
REPRESENTATIVE OF THE ESTATE OF JACKLINE CHELAGAT) 2ND
PLAINTIFF**

AND

**RONALD MWANGO NYALE 1ST DEFENDANT
CHARLES NJUKI GETHI 2ND DEFENDANT
FRANCIS KAGUMBA GITONGA 3RD DEFENDANT
VINCENT MURIMI 4TH DEFENDANT
TIMOTHY OKEMBA ADENY 5TH DEFENDANT
THE REGISTRAR OF TITLES, MOMBASA 6TH DEFENDANT
THE ATTORNEY GENERAL 7TH DEFENDANT**

JUDGMENT

1. The instant suit was commenced by the Plaintiffs through the firm of Birir & Company Advocates by way of a Plaint dated 19th January 2021 which seeks the following orders: -
 - a. A declaration that the Plaintiffs are the true and bona fide owners of Roka/Kilifi/22093 measuring 11.63Ha and the 1st – 5th Defendants have right legal or equitable over the land;



- b. An order nullifying all subsequent and fraudulent entries and alterations to the title documents and revoking all subsequent titles created over Roka/Kilifi/22093 measuring 11.63Ha;
 - c. An order directing the 6th Defendant to cancel all title documents created over Roka/Kilifi/22093 measuring 11.63 Ha after the year 2001 and restore the land to the original position;
 - d. An order for general damages against the Defendants for losses caused by the Defendants on the Plaintiffs;
 - e. Costs and interests;
 - f. Any other relief the court may deem fit.
2. The Plaintiffs averred that they were at all material times the original registered owners of Roka/Kilifi/22093 measuring 11.63 Ha contained in Grant CR No. 35030 issued on 13th December 2001 (hereinafter also referred to as “the suit property”). The Plaintiffs allege that subsequent to them obtaining the title documents aforementioned, they discovered that the 1st, 2nd and 3rd Defendants were, in unclear and fraudulent circumstances, also issued with a title to the suit property, sometime in the year 2012, under the Grant CR No. 47812. The Plaintiffs also averred that the 4th and 5th Defendants were similarly, in fraudulent circumstances, issued with title to the suit property on 28th July 2010 under Grant/CR No. 49294. To the Plaintiffs, all the subsequent alterations were done with the knowledge of the 6th Defendant, who has also since assisted the 1st -3rd Defendants to further subdivide the suit property into different portions bearing different Grant numbers.
 3. The 1st -3rd Defendants filed a Statement of Defence and Counterclaim dated 21st November 2022, wherein they denied the Plaintiffs’ claim over the suit property and challenged the legality of their registration. They equally denied the allegations of fraud and stated that the suit property was rightly allocated to the 1st Defendant and his forefathers as they had been in occupation thereof. The 1st -3rd Defendant also challenged the legality of the grants allegedly held by the 4th and 5th Defendants, if any, and counterclaimed for a declaration that they are the only true holders of a valid title over the suit property and that the Plaintiffs and 4th -5th Defendants hold no valid grants over the same, and an order cancelling their titles. They also sought that the Plaint be dismissed with costs.
 4. In their Statement of Defence dated 24th January 2022, the 6th and 7th Defendants denied the Plaintiffs’ allegations and put the Plaintiffs to strict proof thereof.
 5. In the Reply to Defence and Counterclaim dated 28th November 2022, the Plaintiffs averred that the title held by the Defendants were declared by the issuing authorities as fake.
 6. The Plaintiffs added that they have been in occupation of the suit property save for the portions encroached by the Defendants. They urged the Court to cancel the Defendants’ titles and that costs of the counterclaim be awarded to them.

Evidence

7. Ruth Cherotich Siele (PW1), the 1st Plaintiff, adopted her written statement dated 18th January 2021 as part of her evidence-in-chief and produced the documents in the list of documents dated 26th March 2022 as P. Exh. 1-20. She testified that she followed the proper channels to obtain the suit property and that the Defendants only started to move into the suit property in 2018. She narrated that she applied to the government in 1996 and was issued with a title in 2001, by which time the suit lands



- was unoccupied and bushy. She acknowledged that the 1st Defendant lives near the suit property and stated that her title has never been cancelled.
8. On cross-examination by Mr. Angima, the counsel for the 1st -3rd Defendants, PW1 told the Court that while she does not live on the suit property, she has a caretaker therein; she reiterated that the 1st Defendant lives about 4kms from the suit property. She added that the 1st Defendant sold about 10 acres of the suit property to a certain lady who resides thereon. She testified that she has been paying land rates for 21 years and showed the Court an original copy of receipt No. 349248 of Kshs. 1, 393,000/-. She also added that she only became aware of the Defendants' actions in 2018 when she learnt that the suit property had been subdivided into 4 parcels.
 9. Upon further cross-examination by Mr. Ojwang, State Counsel, the witness told the court that there was no one on the suit property as at that time of her testimony. She stated that her letter of allotment was issued by a Senior Land Officer, Coast, which was signed by one S. M. Kagiri on behalf of the Commissioner for Lands. She added that her reason for suing the Registrar of titles Mombasa was that despite making an application for a search certificate, she was neither granted the same nor any reasons for such failure given. She added on re-examination that she has never permitted the 1st Defendant to deal with the suit property yet he had excavated the whole property and spoil the same.
 10. Ronald Mwangi Nyale (DW1), testified that he resides on the suit property and adopted his witness statement dated 18th March 2022 and produced the documents in the list of documents dated 8th March 2023. He told the court that his father one Nyale Jambo Saidi, was allocated the suit property. DW1 stated that he has lived on the suit property since the year 1994. He added that he sought title to the suit property upon his parents' demise and that he sought the help of the 2nd and 3rd Defendants to pay for the allotment in 1996. He narrated that he has always lived on the suit property and at one point charged the same for the sum of Kshs. 7,000,000/-.
 11. On cross-examination by Mr. Birir, the witness told the court that he did not have any evidence to show that the suit property belonged to his late father. He reiterated that together with two others named in the allotment letter, he was issued an allotment letter dated 11th July 1996 which he paid for in the year 2009. He told the court that his receipt of payment was destroyed by the el nino rains but the other documents were not. He further testified that subdivision was done because he faithfully paid land rates and that consent to subdivide was equally issued. He did not produce the said consent. DW1 added that the subdivisions were registered in the names of Charles and Francis (2nd and 3rd Defendants) and himself and that LR No 22093/4 was at one point charged to the bank.
 12. Upon cross-examination by Mr. Ojwang, DW1 maintained that the suit property belonged to his father who died in 1982, but did not have anything to show that. He explained that the names of Charles and Francis had to be included so as to protect their interests for helping him pay for the allotment. He further testified that while the total acreage on the mother title was indicated as 29 acres, the acreage of the four subdivisions did not total to 29 acres.
 13. The 1st Defendant's testimony marked the close of the 1st -3rd Defendants' case. The 4th and 5th Defendants' never called any evidence in their defence and their case was equally marked as closed.
 14. The 6th and 7th Defendants called Mike Sego Manyarkiy, Registrar, Mombasa Lands Registry, (DW2) produced the documents in the list of documents dated 22nd April 2025 as D. Exh. 21-54. He stated that there are 3 original registers in relation to the suit property.
 15. DW2 stated that D. Exh 21 shows Ronald Mwangi (1st defendant herein) and 2 others as owners of Grant No CR 47812, (Deed Plan No 208568 dated 16th September 1996). He stated that Grant 47812 was subdivided into four portions - CR 58060, 58061, 58062 and 58063.



16. He added that the registry also has records for Grant CR No. 49294 in favour of Vincent Murimi and Timothy Okemba (4th and 5th Defendants) registered on 28th July 2010. As per that grant, the suit property was subdivided into 9 portions -CR 58874, 58875, 58876, 58877, 58878, 58879, 58880, 58881 and 58882.
17. The final record was a title under CR No. 35030 registered on 13th December 2001 in favour of Ruth Cherotich Siele (the 1st Plaintiff). The Registrar testified that the first title in time is the one in favour of Ruth Cherotich Siele, and he could not comprehend how the suit property had three different titles.
18. Upon cross-examination by Mr. Angima, the Registrar told the court that the titles exhibiting subdivision are on the same deed plan meaning that they are on the same geographical location. He added that only a subdivision approval from the County Government of Kilifi for CR 47812 was available.
19. Concerning CR 49294, he testified that there was no approval from the County Government yet the subdivisions were registered, and that the Certificate of Subdivision was also not in the file.
20. He equally confirmed that there was no charge registered against the two numbers.
21. According to their records, so he stated, there was no record of anyone objecting to the subdivisions. He added that only the Director of Land Administration could explain whether or not the allocations are genuine, that it was his duty only to do the registration. He however testified that for a subsequent grant to be issued over the same land, the first grant must first be cancelled. He added that the subsequent registrations appeared irregular, and later stated that there was an entry of a Charge of Kshs. 8 million and another for 7 million to Equity Bank.
22. Upon cross-examination by Mr. Birir, DW2 explained that grant numbers (CR) are usually issued serially and that the earliest in time was in favour of Ruth Cherotich. He confirmed that letters of allotment are issued upon allocation and that a title is only issued upon payment of the required fees. He stated that record of the payment receipts could only be found at the Lands Administration department. He added that under Grant CR No. 47812, condition 5 was clear that the suit property was for hotel purpose; condition 7 and 8 prohibit dangerous user or unauthorized subdivision; condition 9 prohibits transfer, letting or charging without the consent of the Commissioner of Lands, now the Director of Land Administration. He confirmed the existence of a consent by the County Chief Land Administration Officer issued in 2015.
23. The Registrar maintained that it was abnormal to have three sets of ownership for one parcel of land and asserted that the Plaintiff's title was a first registration.

Submissions

Plaintiffs' Written Submissions

24. In his submissions dated 22nd May 2025, counsel reiterated the evidence adduced by each side. He submitted that the key legal principles in a case where multiple individuals are holding different titles over the same piece of land have been established through legal principles and precedents. Firstly, that the first in time prevails as was held in *Gitwany Investment Limited v Tajmal Limited & 3 Others* [2006] eKLR; *Muinde & Another v Waweru & 2 Others* [2022] eKLR; and *Njoroge v Kiarie & 63 Others* [2022] eKLR. Secondly, that the root of title must be investigated to determine its validity. He relied on the case of *Hubert L. Martin & 2 Others v Margaret J. Kamar & 5 Others* [2016] eKLR. Thirdly, that titles obtained through fraud and procedural errors can be invalidated. He relied on Section 26 (1) of the [Land Registration Act](#) and the case of *Mugumo v Kingi & 2 Others* [2022] eKLR. Lastly,



and relying on the case of *Arthi Highway Developers Ltd v West End Butchery Ltd & 6 Others* [2015] eKLR, counsel submitted that purchasers are expected to conduct thorough due diligence before acquiring property.

25. He reiterated that the Defendants failed to demonstrate that they followed due process or that they paid for the suit property. To counsel, the Defendants' titles were obtained through fraud and misrepresentation and ought to be nullified.

1st -3rd Defendants' Submissions

26. The 1st, 2nd and 3rd Defendants, through their Advocates, Omagwa Angima & Co., filed submissions dated 23rd June 2025. Counsel contended that the Plaintiffs' title over LR No. 22093 measuring approximately 21 acres was irregular, having excluded original allottees without explanation. He argued that the 2nd Plaintiff, representing the estate of Jackline Chelangat, was not among the initial allottees and that no proof was tendered on how she acquired co-ownership with the 1st Plaintiff. Counsel added that the Plaintiffs failed to produce the alleged title, relying instead on a police abstract, which did not constitute proof of ownership or loss.
27. Counsel further submitted that the Plaintiffs' claim of fraud was neither specifically pleaded nor strictly proved as required in law. He relied on *Orieny & Another v National Bank of Kenya* [2024] KEHC 6002 (KLR), citing *Vijay Morjaria v Nansingh Madhusingh Darbar & Another* [2000] eKLR and *Christopher Ndaru Kagina v Esther Mbandi Kagina & Another* [2016] eKLR, to emphasize that fraud must be distinctly alleged and strictly proved.
28. Counsel further urged that the Plaintiffs were guilty of laches, having remained inactive for over two decades since the alleged allocation in 1996, contrary to the equitable maxim that equity aids the vigilant. Counsel argued, invoking the equitable doctrine of estoppel, that the Plaintiffs' conduct amounted to waiver and abandonment of any rights.
29. Counsel maintained that that 1st Defendant testified that his father was in possession of the land prior to the Plaintiffs' allocation and that he, together with the 2nd and 3rd Defendants, were subsequently registered as proprietors after paying the requisite dues and obtained consent to subdivide the land into four portions. He asserted that their possession and subsequent developments, including loans charged against the property, demonstrated bona fide ownership.
30. On the law, the Counsel cited Section 26(1) of the *Land Registration Act*, 2012, on the indefeasibility of title, submitting that while title is prima facie evidence of ownership, it may be challenged on grounds of fraud, illegality, or procedural impropriety. He relied on *Galaxy Realtors Limited v Kenya Forest Service (Civil Appeal 41 of 2020)* [2024] KECA 1304 (KLR), where the Court of Appeal, citing *Dina Management Limited v County Government of Mombasa & 5 Others (Supreme Court Petition No. 8 (E010) of 2021)*, affirmed that a title may be invalidated where the initial allocation was illegal or unprocedural.
31. Counsel further invoked *Benja Properties Limited v Syedna Mohamed Sahed & 4 Others* [2015] eKLR, where the Court of Appeal held that possession constitutes a superior root of title, applying the maxim that possession is nine-tenths of ownership and referring to Section 116 of the *Evidence Act* on the presumption of ownership by possession.
32. In conclusion, counsel urged the Court to find that the Plaintiffs' title, even if first in time, was tainted by procedural irregularities, lack of possession, and unexplained exclusion of original allottees. He prayed that the Plaintiffs' suit be dismissed with costs, the counterclaim be allowed, and that the four



subdivision titles registered in the names of the 1st, 2nd, and 3rd Defendants be upheld as valid, while nullifying any purported titles held by the 4th and 5th Defendants.

Analysis And Determination

33. Having carefully considered the pleadings, evidence adduced, and the rival submissions by learned counsel, the following issues arise for determination:
- i. Of the grants held by the plaintiff on the one hand and those held by the 1st-3rd defendants and the 4th and 5th defendants respectively on the other hand, which should be upheld by this court as the better title?
 - ii. Whether the Plaintiffs proved allegations of fraud, illegality, or procedural impropriety on the part of the Defendants.
 - iii. What orders should issue on the plaint and the 1st defendant's counterclaim?
 - iv. Who ought to bear the costs of the suit?

Issue i

34. Section 26 of the *Land Registration Act* stipulates that the Certificate of Title issued by the Registrar upon registration shall be taken by all courts as prima facie evidence that the person named is proprietor of the land and is the absolute and indefeasible owner. It is also certain that the concept of indefeasibility of title is subject to Article 40 (6) of *the Constitution*. Guided by the provisions of Article 40 (6) of *the Constitution*, I hold that the concept of indefeasibility or conclusive nature of title is inapplicable to the extent that title to the property was unlawfully acquired.
35. The Plaintiffs' case rests on the assertion that they were the original allottees of the suit property, having applied for allocation in 1996 and subsequently been issued with a Grant on 13th December 2001.
36. The process of allocation of government land was restated by the Supreme Court in *Dina Management Ltd -v- County Government of Mombasa & 5 others* [2023] KESC 30 (KLR) as follows: -

“104. The procedure for the allocation of unalienated land is laid out by the Environment and Land Court in *Nelson Kazungu Chai & 9 others v Pwani University* [2014] eKLR as follows:

“...It is trite law that under the repealed Government Lands Act, a Part Development Plan must be drawn and approved by the Commissioner of Lands or the Minister for lands before any un-alienated Government land could be allocated. After a Part Development Plan (PDP) has been drawn, a letter of allotment based on the approved PDP is then issued to the allottees.

It is only after the issuance of the letter of allotment, and the compliance of the terms therein, that a cadastral survey can be conducted for the purpose of issuance of a certificate of lease. This procedural requirement was confirmed by the surveyor, PW3. The process was also reinstated in the case of *African Line Transport Co Ltd v Attorney General, Mombasa HCCC No 276 of 2013* where Njagi J held as follows: “Secondly, all the defence witnesses were unanimous that in the normal course of events, planning comes first, then surveying follows. A letter of allotment is invariably accompanied by a PDP with a definite number. These are then taken to the Department of



Survey, who undertake the surveying. Once the surveying is complete, it is then referred to the Director of Surveys for authentication and approval. Thereafter, a land reference number is issued in respect of the plot 132. A part development plan (PDP) can only be prepared in respect to Government land that has not been alienated or surveyed...”

105. This process is restated in *African Line Transport Co Ltd v Attorney General, Mombasa*, HCCC No 276 of 2003 [2007] eKLR where it was held that planning comes first, then surveying. A letter of allotment is invariably accompanied by a PDP with a definite number, which would then be taken to the Department of Survey for surveying. Thereafter, it is then referred to the Director of Surveys for authentication and approval. It is after that process that a land reference number is issued in respect of the plot.”
37. PW1 produced copies of the following documents: an application letter dated 21st May 1996 (PEXh-1), letter of allotment dated 11th July 1996 (PEXh-3) in the name of the 1st plaintiff and several other persons, Deed Plan No. 208568 of 16th September 1996 (P.Exh -4), payment receipt of Kshs 1,393, 100/- dated 18th May 1998 being payment for the allotment (PEXh-6), rates demand notices, payment receipts and a rates clearance certificate dated 4th January 2017, copy of a certificate of grant no. 35030 (PEXh-18). She also exhibited a copy of Police Abstract dated 6th March 2020 (PEXh-20) in support of her claim for loss of title deed.
38. On his part, the 1st Defendant claimed that his late father had been allocated the suit property and that he had lived there since 1994. He further stated that upon his father’s demise in 1982, he sought title to the land and was assisted by the 2nd and 3rd Defendants to pay for the allotment in 1996. However, on cross-examination, he testified that payment for the allotment was made in 2009 and that the receipt evidencing such payment had been destroyed by the El Niño rains.
39. The 1st Defendant produced a letter of allotment dated 11th July 1996 in the names of the 1st, 2nd, and 3rd Defendants. This Court takes judicial notice that Kenya has experienced several El Niño events over the years, the most recent being between 2023 and 2024 and the worst between 1997 and 1998. The 1st Defendant did not clarify when the alleged loss of the receipt occurred. The present suit was filed in 2021 and the defendant ought to have filed copies of the documents he relies on latest by 2022, given that payment was allegedly made in 2009. His reference to El Niño rains as the cause of loss appears inconsistent and implausible. The contradiction between his oral testimony and documentary evidence undermines the credibility of his claim regarding payment for the allotment.
40. DW2, the Registrar, confirmed that of the 3 grants in contest in this suit, the Plaintiff’s grant was the first in time. The Registrar (DW2) testified that both CR 47812 and CR 49294 were registered long after the Plaintiffs’ title, and no record existed showing the cancellation of the Plaintiffs’ earlier grant. He confirmed that the later titles were created on the same deed plan, meaning they occupied the same geographical space, and that the subdivisions under CR 49294 lacked requisite county approvals. The burden thus shifted to the Defendants to demonstrate a superior or lawful claim. Whatever reason led to the issuance of the later grants to the defendants, they ought not have been issued without prior cancellation of the plaintiffs’ grant. For the reason that the first grant was not cancelled, it then follows that the subsequent grants were irregularly and unlawfully issued, contrary to the procedural requirements of the Government Lands Act (repealed) and section 26(1)(b) of the [Land Registration Act](#).



Issue ii

41. Fraud is a serious accusation. It has to be pleaded and proved to a standard above a balance of probabilities but not beyond reasonable doubt. At page 427 in Bullen & Leake & Jacobs, Precedent of pleadings 13th Edition quoting the cases of Wallingford v Mutual Society (1880) 5 App. Cas. 685 at 697, 701, 709, Garden Neptune V Occident [1989] 1 Lloyd's Rep. 305, 308, Lawrence V Lord Norreys (1880) 15 App. Cas. 210 at 221 and Davy V Garrett (1878) 7 Ch.D. 473 at 489, it is stated that: -

“Where fraud is intended to be charged, there must be a clear and distinct allegation of fraud upon the pleadings, and though it is not necessary that the word fraud should be used, the facts must be so stated as to show distinctly that fraud is charged. The statement of claim must contain precise and full allegations of facts and circumstances leading to the reasonable inference that the fraud was the cause of the loss complained of (see). It is not allowable to leave fraud to be inferred from the facts pleaded and accordingly, fraudulent conduct must be distinctly alleged and as distinctly proved (i). “General allegations, however strong may be the words in which they are stated, are insufficient to amount to an averment of fraud of which any court ought to take notice”.

42. In Civil Appeal No. 246 of 2013 Arthi Highway Developers Limited - v - West End Butchery Limited and Others [supra] the Court of Appeal expressly stated that the law on fraud and indefeasibility of title has been settled. The Court specifically referred to the law as stated in the case of Dr. Joseph Arap Ngok – v - Justice Moiyo ole Keiwua & 5 others, Civil Appeal No. Nai. 60 of 1997 where the Court categorically declared that: -

“Section 23(1) of the then Registration of Titles Act gives an absolute and indefeasible title to the owner of the property. The title of such an owner can only be subject to challenge on grounds of fraud or misrepresentation to which the owner is proved to be a party. Such is the sanctity of title bestowed upon the title holder under the Act. It is our law and law takes precedence over all other alleged equitable rights of title. In fact the Act is meant to give such sanctity of title, otherwise the whole process of registration of Titles and the entire system in relation to ownership of property in Kenya would be placed in jeopardy.”

43. Section 23(1) has now been reproduced substantially as Sections 25 and 26 of the [Land Registration Act](#).

44. In the present case, the Plaintiffs pleaded and particularized acts of fraud attributed to the Defendants, including obtaining titles to the suit property while the Plaintiffs were in possession of the original grant and causing the same property to be subdivided without the Plaintiffs' consent or knowledge.

45. The 4th and 5th Defendants, though served, did not enter appearance or participate in these proceedings. Their failure to file a defence or offer any explanation for the acquisition of their purported titles left the Plaintiffs' allegations against them uncontroverted. The Court is therefore entitled to accept the Plaintiffs' unchallenged evidence on fraud as true in so far as it relates to the 4th and 5th Defendants.

46. Further, this court is satisfied that sufficient evidence fraud was adduced against the 1st -3rd Defendants. In that regard, evidence that their title was issued long after the plaintiffs' and was nevertheless issued the same LR number as the plaintiffs', and also the fact that their title was issued on the basis of survey plan that was clearly made not made specifically for their purported allocation, is sufficient evidence of fraud against them in this case. In connection with that issue, the court notes that the letter dated 25th May 2021 (P. Exh 15) confirmed that only one survey plan for the suit land was made. In view



of that fact, the securing of two separate subsequent titles by the defendants, and their subdivision is clearly proof of fraud.

47. Besides, the existence of multiple titles over the same parcel of land as confirmed by the Registrar, reveals patent irregularities and unlawful administrative conduct within the Lands Registry. Such procedural impropriety, even absent proof of fraudulent intent, renders the Defendants' titles voidable.
48. The law recognizes the principle that where two or more titles exist over the same land, the first in time prevails, unless it is shown to have been unlawfully acquired. Given that the Plaintiffs' grant (CR 35030) predates the others and was never cancelled, it enjoys priority and legal protection under section 26 of the *Land Registration Act*. since it has not been demonstrated by the defendants that the same was illegally acquired, I find that the subsequent grants, issued without due cancellation of the plaintiffs' grant, were void ab initio.
49. The counterclaim by the 1st –3rd Defendants seeks to affirm their titles and nullify the Plaintiffs'. Having found that their titles were issued subsequent to the plaintiffs' and irregularly so, this court finds that the counterclaim lacks merit and is dismissed. As to costs, the plaintiff has succeeded in both the suit and the defendant's counterclaim and therefore she deserves to be awarded costs of the suit. these findings finalize the last two issues for determination listed above.
50. Accordingly, this court issues the following final orders: -
 - a. A declaration is hereby issued that the Plaintiffs are the lawful and bona fide registered proprietors of all that parcel of land known as LR No 22093, measuring approximately 11.63 hectares, held under Grant No. CR 35030;
 - b. It is hereby declared that the titles held by the 1st, 2nd and 3rd Defendants under Grant No. CR 47812 and the titles held by the 4th and 5th Defendants under Grant No. CR 49294 were unlawfully and irregularly obtained and they are therefore null and void;
 - c. The Registrar of Titles, Mombasa (the 6th Defendant) is hereby directed to cancel and expunge from the register all entries, subdivisions, and all subsequent titles created pursuant to the purported subdivisions, of Grant Nos. CR 47812 and CR 49294, and to restore the suit property to its original status as held under Grant No. CR 35030 in the names of the Plaintiffs;
 - d. The counterclaim by the 1st, 2nd and 3rd Defendants is hereby dismissed;
 - e. The Plaintiffs shall have the costs of the main suit and the counterclaim.

DATED, SIGNED AND DELIVERED AT MALINDI ON THIS 5TH DAY OF NOVEMBER, 2025.

MWANGI NJOROGE

JUDGE, ELC, MALINDI.

