



REPUBLIC OF KENYA



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In the Matter of FWK (Minor) (Environment and Land Miscellaneous Case E017 of 2025) [2025] KEELC 8609 (KLR) (10 December 2025) (Judgment)

Neutral citation: [2025] KEELC 8609 (KLR)

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT NYANDARUA

ENVIRONMENT AND LAND MISCELLANEOUS CASE E017 OF 2025

JM KAMAU, J

DECEMBER 10, 2025

IN THE MATTER OF APPLICATION FOR LEAVE TO REGISTER A CHARGE OVER NYANDARUA/OL-KALOU SOUTH/4401 JOINTLY REGISTERED IN THE NAME OF AN ADULT AND A MINOR.

IN THE MATTER OF

IN THE MATTER OF FWK (MINOR) APPLICANT

JUDGMENT

1. In this so-called Miscellaneous Application brought under Certificate of Urgency, the Applicant Lucy Wamaitha Kamangu, biological mother to one Faith Wanjiku Kamangu urges the Court to grant her leave to utilize the Title Documents to the land Title No Nyandarua/ol-kalou South /4401as security for a loan facility to be advanced to Stephen Kamangu Mwangi, her husband and father to Faith Wanjiku. She also prays that leave be granted to the County Land Registrar, Nyandarua to register a charge over the suit property in favour of Unaitas Sacco Society Ltd.
2. Faith Wanjiku is a minor aged 16 years. She is a registered owner of the property known as Nyandarua/ol-kalou South /4401 jointly with the Applicant herein. The Applicant's desire to charge the property is in order to secure a loan facility of Kshs 2,500,000/= which will be advanced to Stephen Kamangu Mwangi so that he can expand the family business and facilitate the purchase of one (1) Acre of land to be excised from Title No Kiganjo/mundoro/333.
3. The facility is time- sensitive and its disbursement is contingent upon the prompt requisition of the charge. She depones that any delay in obtaining the leave of this Court may result in the withdrawal or lapse of the facility thereby frustrating the intended investment and also the offer of the land to be bought may be withdrawn.
4. The Applicant further depones that the minor's interest will not be prejudiced by the proposed charge and that the transaction will enhance the value accruing to the minor. The loan will be repaid therefore the minor's interest will still be intact.



5. From her birth certificate serial Number 234276 exhibited in the Application it is not in doubt that the minor, Faith Wanjiku is the daughter of Stephen Kamangu Mwangi and the Applicant herein, Lucy Wamaitha Kagunyi, supposedly being the maiden name. It is also not in doubt that Nyandarua/ol-kalou South/4401 is registered in the names of Lucy Wamaitha Kamangu of ID No. 27904376 and Faith Wanjiku Kamangu (minor) having been so registered on 13/6/2023, only less than 1^{1/2} years.
6. It is not clear and the Applicant is dead silent on how it so happened that the land L.R No Nyandarua/ol-kalou South/4401 came to be registered in the name of the minor, Faith Wanjiku Kamangu. We are also not told who transferred the property to her and whether someone could have gifted her. It is evident that the husband to the Applicant Stephen Kamanga Mwangi will be the recipient of the money should the Court grant the required leave, he will be in control of the money and the loan of Kshs 2,5000,000/= is to be advanced to him solely by Unaitas Sacco Society Limited. The loan offer is to him and him only. The Court wonders why the land was not registered in the name of Stephen Kamangu Mwangi in the first place, and why he has sought to charge the land not long after the land was registered in trust for the minor.
7. The Applicant does not even explain whether the land was initially the property of her husband, father to the minor or it was even initially family or ancestral land and if so why he was by-passed in the registration. When asked, the Applicant's Advocate Ms. Pyoko told the Court that the minor's next birthday is March, 2026 meaning that in 16 months' time, the minor will be of age and will be able to make her own decisions and in particular, over the suit property. The Applicant does not explain what sort of business the husband runs and which he wants to boost with the money advanced to him.
8. Although the Applicant says that the land her husband intends to buy out of Kiganjo/mundore/333 may not be on offer for long, there are other properties in the market. This is not the only land he must buy. It is also not clear why the suit land must be sold in order to buy another one. The reason for the intended sale is not graspable and more so when one of the owners is not of age to decide on her own property. Should this Court grant the leave, it will not be able to supervise what happens with the money thereafter and if the purpose of the trust is defeated this Court will not escape blame. I am not ready for that.
10. The Application is therefore disallowed.

JUDGMENT DATED, SIGNED AND DELIVERED AT NYANDARUA THIS 10TH DAY OF DECEMBER, 2025.

MUGO KAMAU

JUDGE

In the Presence of:-

Court Assistant: Samson

Applicant's Counsel:

