



**Kinyanjui (Suing as the Administrator of the Estate of the Late
Peter Mugo Gitagia) v Nkonyia (Environment and Land Case
56 of 2020) [2025] KEELC 8581 (KLR) (4 December 2025) (Judgment)**

Neutral citation: [2025] KEELC 8581 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT AND LAND CASE 56 OF 2020
LC KOMINGOI, J
DECEMBER 4, 2025**

BETWEEN

**MARGARET MUTHONI KINYANJUI (SUING AS THE ADMINISTRATOR OF
THE ESTATE OF THE LATE PETER MUGO GITAGIA) PLAINTIFF**

AND

LANTEI OLE NKONYIA DEFENDANT

JUDGMENT

1. In the Complaint dated 31st August 2020, the Plaintiff, who is the Administrator of the Estate of the late Peter Mugo Gitagia claims that in 1981, the late Peter entered into a sale agreement with the Defendant for the purchase of land Kajiado/Kitengela Olooloitikoshi/1919 measuring approximately 10 acres for KShs. 28,000. She claims that by the year 1988 KShs. 25,000 had been paid and there remains a balance of KShs. 3,000 which was to be paid upon completion of the transfer of the property to Peter.
2. It is her case that in 2020, she approached the defendant to complete the transfer of the property. He agreed having entered into an agreement with the late Peter and appended his thumbprint on an agreement that he would transfer the interest of the land to the Late Peter's dependants. He however, failed to execute the transfer documents leading the Plaintiff to file this suit seeking orders that:
 - i. A declaration that the Defendant executes the transfer of the suit property Kajiado/Kitengela Olooloitikoshi/1919 to the Administrator of the Estate of the deceased.
 - ii. A declaration that the Defendant executes the transfer of the suit property Kajiado/Kitengela Olooloitikoshi/1919 without any encumbrances or cautions registered and on vacant possession.
 - iii. Costs of this suit.



- iv. Interest.
3. The defendant was given several opportunities to file his documents but did not.

Evidence of the Plaintiff

4. PW1, Margaret Muthoni, the Plaintiff stated that her husband, the late Peter passed away in 2008 having purchased the suit property Kajiado/Kitengela Olooloitikoshi/1919 from the Defendant in 1996 but the same was never transferred to him. She stated that the late Peter paid due consideration and produced acknowledgment receipts from the defendant as evidence. It was her testimony that upon the passing away of her husband she continued following up on the transfer and visited the defendant with her advocate. They signed another agreement dated 27th February 2020 but the Defendant still failed to transfer the property to her.
5. At the close of the oral testimony, the parties were to file their final written submissions. However, at the time of writing this no party had filed their submissions.

Analysis and Determination

6. I have considered the pleadings, the evidence on record, the written submissions and the authorities cited. I find that the issues for determination are:
 - i. Whether the Plaintiff has proved her case that the late Peter Mugo Gitagia purchased parcel Kajiado/Kitengela Olooloitikoshi/1919 from the Defendant.
 - ii. Whether the Plaintiff is entitled to the reliefs sought.
 - iii. Who should bear costs of the suit?
7. The Plaintiff's case is that the late Peter purchased the suit property from the defendant in 1986 but the Defendant failed to effect the transfer.
8. To support this claim, she produced a handwritten sale agreement dated 5th July 1986 signed and executed by the defendant- Nkoiya Kiikarde (seller) and Peter Mugo (buyer) together with their witnesses. There are assortment of acknowledgment receipts of money received by the seller from the buyer dating between 8th August 1986 to 17th December 1988.
9. The agreement dated 27th February 2020 has parcel number 2042 cancelled out and replaced with parcel 1919 same to the LCB consent application form dated. The consent application also indicates 35 acres as the acreage to be transferred.
10. Section 107 of the *Evidence Act* provides that he who alleges must prove. From analysis of the evidence produced by the Plaintiff, this Court is satisfied that the late Peter indeed purchased 10 acres of land from the defendant but the same was never transferred in his favour. This evidence was uncontroverted because the Defendant did not utilise his opportunity to defend the suit.
11. I find that the Plaintiff has proved that the late Peter Mugo Gitanga purchased ten (10) acres from the Defendant and the Plaintiff is entitled to the same.
12. The disposal orders therefore are:
 - i. The defendant, Lantei Ole Nkonyia is hereby ordered to execute all completion documents to effect the transfer of ten (10) acres out of Kajiado/ Kitengela/Olooloitikoshi/1919 to the Estate of the late Peter Mugo Gitagia within 30 days of this judgement.



- ii. In default of the above order, the Deputy Registrar of this Court to sign and execute all documents for the transfer and registration of ten (10) acres out of Kajiado/Kitengela/Olooloitikoshi/1919 in favour of the Estate of the late Peter Mugo Gitagia.
- iii. Costs of the suit to be borne by the Defendant.

DATED, SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 4TH DAY OF DECEMBER 2025.

L.KOMINGOI

JUDGE.

In The Presence Of:

Mr. Bundi for the Plaintiff.

N/A for the Defendant.

Court Assistant – Peter.

