

**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT THIKA**

**ELC CASE NO. 125 OF 2022**

**ELIZABETH WANJIRU MWANGI ..... 1ST  
PLAINTIFF**

**JOHNSON MAINA IRUNGU ..... 2ND  
PLAINTIFF**

**REBECCA MBITHE NDUKE .....3RD  
PLAINTIFF**

**PATRICK WACHIRA NGATIA ..... 4TH  
PLAINTIFF**

**FELISTAS WAITHIRA KOMU ..... 5TH  
PLAINTIFF**

**PATRICK NDIRITU WAMBUI .....6TH  
PLAINTIFF**

**ISAIAH MUTHEE KAUGIIRA .....7TH  
PLAINTIFF**

**WILSON MBUGUA MWAURA ..... 8TH  
PLAINTIFF**

**VERONICA WANJIRU THUKU..... 9TH  
PLAINTIFF**

**MULTIPLE GLOBAL (K) LIMITED ..... 10TH  
PLAINTIFF**

**UWEZO SELF HELP GROUP.....11TH  
PLAINTIFF**

**FREDRICK MWAURA NJOROGE ..... 12TH  
PLAINTIFF**

**JOEL KURIA KARIUKI ..... 13TH  
PLAINTIFF**

**VERSUS**

**JUFRAS INVESTMENT LIMITED ..... 1ST  
DEFENDANT**  
**JUSTUS MIUNDU MUE ..... 2ND  
DEFENDANT**  
**THE DISTRICT LAND REGISTRAR, RUIRU..... 3RD  
DEFENDANT**  
**ROSE WANGARI NJUGUNA..... 4TH  
DEFENDANT**

## **JUDGMENT**

1. By plaint dated 1<sup>st</sup> September 2022 and amended on 16<sup>th</sup> October 2024, the 13 Plaintiffs filed suit against the Defendants seeking the following reliefs:

a) *A declaration that the 1<sup>st</sup> and 2<sup>nd</sup> Defendants ought to subdivide , register and transfer land parcels known as RUIRU/RUIRU EAST BLOCK 2/2929 and 2930 to the Plaintiffs in the sequence of plots as they were purchased by the Plaintiffs as follows:*

- i. 1st Plaintiff- Plot No. 27*
- ii. 2<sup>nd</sup> Plaintiff -Plot No. 26*
- iii. 3<sup>rd</sup> Plaintiff-Plot No. 6*
- iv. 4<sup>th</sup> Plaintiff-Plot No.3*
- v. 5<sup>th</sup> Plaintiff-Plot No. 15, 16 and 17*
- vi. 6<sup>th</sup> Plaintiff-Plot No. 22*
- vii. 7<sup>th</sup> Plaintiff-Plot No.21*
- viii. 8<sup>th</sup> Plaintiff-Plot No.23*
- ix. 9<sup>th</sup> Plaintiff-Plot No. 19 and 20*
- x. 10<sup>th</sup> Plaintiff-Plot No.18*
- xi. 11<sup>th</sup> Plaintiff- Plot No. 24*

*And the same ought to be registered in the Plaintiffs respective names.*

- b) An Order directing the 3<sup>rd</sup> Defendant to register the plots of land as per declaration a) above.*
- c) An order that the Defendants do transfer to the Plaintiffs their individual plots as purchased out of the Land Reference No. RUIRU/RUIRU EAST BLOCK/2930 and RUIRU/ RUIRU EAST BLOCK 2/2829,2929.*
- d) A permanent injunction to issue against the 1<sup>st</sup> and 2<sup>nd</sup> Defendants by themselves, their agents, servants, employees or authority working under them from proclaiming, seizing, advertising, alienating, selling or in any other way disposing of the Plaintiff's land parcel number RUIRU/RUIRU EAST BLOCK/2930 and RUIRU/RUIRU EAST BLOCK 2/2829, 2929 and 2930 to any other person other than the Plaintiff in terms of the declaration 1(a) above.*
- e) An order directing the 3<sup>rd</sup> Defendant to rectify the records in the Ruiru Land Registry to reflect the sole owner of the parcel of land namely RUIRU/RUIRU EAST BLOCK/2930 and RUIRU/RUIRU EAST BLOCK 2/2929 as the 2<sup>nd</sup> Defendant prior to sub-division and transfer of the same to the Plaintiffs.*
- f) In the alternative, an order that the registrar of the High Court do sign and execute all transfers on behalf of the Defendants herein.*
- g) General damages*
- h) Costs of this suit and any other or further relief that this Honourable court may deem fit to grant.*

2. It is the Plaintiff's case that the 1st Defendant is a land buying company and the registered owner of land parcels number RUIRU/ RUIRU EAST BLOCK/2930 and RUIRU/ RUIRU EAST BLOCK 2/2929 which they divided into various plots for purposes of selling them to interested purchasers.
3. The Plaintiffs each entered into a sale agreement with the 1<sup>st</sup> and 2<sup>nd</sup> Defendants in respect of the said plots and they were allocated plots out of the suit properties and issued with certificates of ownership. They were then given vacant possession of their respective plots where they have constructed structures of various kinds and some are residing thereon.
4. The Plaintiffs further allege that they later discovered that the 1<sup>st</sup> and 2<sup>nd</sup> Defendants had deliberately indicated the wrong plot numbers on the certificates of ownership and they have failed, refused or neglected to transfer the plots to the Plaintiffs who are the beneficial owners thereof.
5. The Plaintiffs later learnt that land parcel number RUIRU/RUIRU EAST BLOCK 2/2929 which is one of the parcels the 1<sup>st</sup> and 2<sup>nd</sup> Defendants sold to some of the Plaintiffs is jointly registered in the names of the 2<sup>nd</sup> and 4<sup>th</sup> Defendants.
6. Despite being served with the Plaint and Summons to enter appearance the Defendants neither enter appearance nor field any defence. The suit therefore proceeded by way of formal proof.

7. During the hearing each of the Plaintiffs testified and relied on their witness statements. They produced the documents in their lists of documents dated 16.10.24, and 1.9.2022 as follows;

- i. *Elizabeth Wanjiru Mwangi (1<sup>st</sup> Plaintiff) produced sale agreement dated 27.9.2014 in respect of plot number 27 situated on land parcel number RUIRU/RUIRU EAST BLOCK 2/2829 for a consideration of Kshs. 280,00. She also produced a receipt of Kshs. 280,000 dated 27.9.2024 issued by the 1<sup>st</sup> Defendant She also produced a copy of an ownership certificate dated 27.9.2014.*
- ii. *Johnson Maina (2<sup>nd</sup> Plaintiff) produced a receipt dated 13.8.2014 for Kshs. 300,000, an ownership certificate and a sale agreement dated 12.8.2014.*
- iii. *Rebecca Mbithe Nduke (3<sup>rd</sup> Plaintiff) produced a receipt dated 13.11.2014 for Kshs. 300,000 for plot no. 6 RUIRU/RUIRU EAST BLOCK 2/2829 and a sale agreement dated 13.11.2014.*
- iv. *Patrick Wachira Ngatia (4<sup>th</sup> Plaintiff) produced a receipt dated 24.2.2014 for Kshs. 270,000 for plot no. 3 RUIRU/RUIRU EAST BLOCK 2/2929 and a sale agreement dated 24.2.2014.*
- v. *Felistas Waithera Komu (5<sup>th</sup> Plaintiff) produced a receipt dated 24.9.2014 for Kshs. 270,000 for plot no.16; receipt dated 24.9.2014 for Kshs. 50,000 for plot no. 7; receipt dated 1.11.2016 for Ksh. 200,000 for plot no. 17 and receipt dated 30.5.2019 for Ksh. 200,000 for plot no. 17. She also produced sale agreements dated 24.9.2014, 29.5.2014 and*

- vi. *Patrick Ndiritu Wambui (6<sup>th</sup> Plaintiff) produced a receipt dated for Kshs. 320,00 for plot no.22*
- vii. *Isaiah Muthee Kaguiira (7<sup>th</sup> Plaintiff) produced) a sale agreement dated 3.9.2014 and an RTGS receipt for Kshs. 200,000*
- viii. *Wilson Mbugua Mwaura (8<sup>th</sup> Plaintiff ) produced a certificate of ownership for plot No. 23.*
- ix. *Veronica Wanjiru Thuku (9th Plaintiff) who testified that she is the director of Multiple Global (K) Limited (10th Plaintiff) produced the following documents: A certificate of ownership for plot No. 19 from parcel No. Ruiru/Ruiru East Block 2/2929 Receipt No. 1108 for Kshs.300,000.  
On behalf of Multiple Global (K) Ltd (10th Plaintiff) she produced a certificate of ownership No. 860 for plot No. 18 and certificate of ownership 646 as well as a sale agreement dated 6.2.2016.*
- x. *Paul Kariuki Mwangi the secretary of Uwezo Welfare Group (11<sup>th</sup> Plaintiff) produced a certificate of ownership dated 9.5.205 for plot no. 14 RUIRU/RUIRU EAST BLOCK 2/2929, a receipt for kshs. 300,000 dated 9.5.2015 and a sale agreement dated 9.5.2015. He also produced a certificate of registration dated 27.9.14.*
- xi. *Fredrick Kimani (12<sup>th</sup> Plaintiff) produced a certificate of ownership for plot no. 4 RUIRU/RUIRU EAST BLOCK 2/2829 dated 7.3.2014.*
- xii. *Joel Kuria Kariuki, the 13th Plaintiff produced a certificate of ownership for plot No. 25 dated 19.11.2014, a receipt date 19.1.2014 for Kshs 350,000 and a sale agreement dated 19.11.2014.*

8. Each of the Plaintiffs testified that they purchased their respective plots from the 1<sup>st</sup> and 2<sup>nd</sup> Defendants, paid the purchase price in full and they were issued with certificates ownership. Their requests to have the plots transferred to them have however been futile.
9. After close of the Plaintiffs' case, counsel for the plaintiff filed written submissions which I have considered in arriving at my decision.
10. From the green cards in respect of land parcel number RUIRU/RUIRU EAST BLOCK 2/2930 produced by the Plaintiffs the said parcel has been sub-divided and while some of the sub-divisions remain in the name of the 2<sup>nd</sup> Defendant, others have been transferred to 3<sup>rd</sup> parties. However, parcel No. RUIRU/RUIRU EAST BLOCK 2/2930 is still in the name of the 2<sup>nd</sup> Defendant.
11. The evidence adduced by the Plaintiffs is uncontroverted. It is not in dispute that the Plaintiffs have paid for their plots in full and that they have been in possession of their respective plots for varying periods of time ranging from 2014 and 2015 to date. Most of them have constructed either permanent or temporary structures on their plots.
12. Having performed their part of the bargain, the Plaintiffs are entitled to their parcels of land.
13. In view of the foregoing, it is my finding that the Plaintiffs have proved their case on a balance of probabilities. Consequently, I enter judgment for the Plaintiffs and make the following final orders:

**a) A declaration is hereby issued that the 1<sup>st</sup> and 2<sup>nd</sup> Defendants ought to subdivide , register and transfer the land parcels known as RUIRU/RUIRU EAST BLOCK 2/2929 and 2930 or their resultant subdivisions to the Plaintiffs in the sequence of plots as they were purchased by the Plaintiffs as follows:**

- i. 1<sup>st</sup> Plaintiff- Plot No. 27**
- ii. 2<sup>nd</sup> Plaintiff -Plot No. 26**
- iii. 3<sup>rd</sup> Plaintiff-Plot No. 6**
- iv. 4<sup>th</sup> Plaintiff-Plot No.3**
- v. 5<sup>th</sup> Plaintiff-Plot No. 15, 16 and 17**
- vi. 6<sup>th</sup> Plaintiff-Plot No. 22**
- vii. 7<sup>th</sup> Plaintiff-Plot No.21**
- viii. 8<sup>th</sup> Plaintiff-Plot No.23**
- ix. 9<sup>th</sup> Plaintiff-Plot No. 19 and 20**
- x. 10<sup>th</sup> Plaintiff-Plot No.18**
- xi. 11<sup>th</sup> Plaintiff- Plot No. 14**
- xii. 12<sup>th</sup> Plaintiff Plot No. 24.**
- xiii. 13th Plaintiff Plot No. 25**

**b) An Order directing the 3<sup>rd</sup> Defendant to register the plots of land as per declaration a) above.**

**c) An order that the Defendants do transfer to the Plaintiffs their individual plots as purchased out of the land Land Reference No. RUIRU/RUIRU EAST BLOCK/2930 and RUIRU/RUIRU EAST BLOCK 2/2929 failing which the Deputy registrar ELC shall execute all the transfer documents on behalf of the Defendants.**

***d) A permanent injunction to issue against the 1<sup>st</sup> and 2<sup>nd</sup> Defendants by themselves, their agents, servants, employees or authority working under them from proclaiming, seizing, advertising, alienating, selling or in any other way disposing of the Plaintiff's land parcel number RUIRU/RUIRU EAST BLOCK/2930 and RUIRU/RUIRU EAST BLOCK 2/2929 and 2930 or their resultant sub-divisions to any other person other than the Plaintiff in terms of the declaration 1(a) above.***

***e) The 1<sup>st</sup> and 2<sup>nd</sup> Defendants shall bear the costs of this suit.***

**Dated signed and delivered virtually at Thika this 16th day of December 2025.**

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**J. M ONYANGO**  
**JUDGE**

**In the presence of:**

1. Mr Seda for the Plaintiffs
2. No appearance for the Defendants

Court Assistant: Hinga