



**Creek Ventures Limited v Chief Lands Registrar Murang'a; Munyiri
(Interested Party) (Environment and Land Judicial Review Case
E001 of 2025) [2025] KEHC 19013 (KLR) (18 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 19013 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
ENVIRONMENT AND LAND JUDICIAL REVIEW CASE E001 OF 2025
TW OUYA, J
DECEMBER 18, 2025**

BETWEEN

THE CREEK VENTURES LIMITED APPLICANT

AND

THE CHIEF LANDS REGISTRAR MURANG'A RESPONDENT

AND

SUSAN WAMBUI MUNYIRI INTERESTED PARTY

RULING

1. The proposed Interested Party vide a Notice of Motion Application dated 12th August 2025 which is expressed to be anchored under the provisions of Order 51 of the Civil Procedure Rules 2010 as read together with sections 1A, 1B and 3A of the *Civil Procedure Act*, prays for the following Orders from this Court:
 - i. That the interested Party's application for enjoinder be allowed and the Interested Party be duly enjoined into the matter.
 - ii. That the Applicant and the Respondent be directed to serve their pleadings on the Interested Party.
 - iii. That the Interested Party be allowed to file a response in [the] matter.
2. Further, the proposed Interested Party made an oral application during the hearing held on 13th November 2025 for the matter to be transferred to the Environment and Land Court (ELC) pursuant to the provisions of Section 13(5) of the ELC Act.



3. The Application dated 12th August 2025 is supported by the grounds set out on its face and in the Affidavit sworn by the proposed Interested Party in her capacity as the Administrator of the Estate of Isaac Gitau Muniyiri. She deposed that land parcel number NGINDA/SAMAR BLOCK 2/441 (the suit property) was acquired by the deceased through purchase from Mbo-I-Kamiti Farmers Co. Ltd in 1992 for full consideration, through application number 1008. Further, the deceased was granted vacant possession of the suit land upon rendering the entire purchase price to the Vendor, pending transfer of the property to the deceased's name.
4. It was averred that the deceased and the Applicant herein Creek Ventures Limited executed a sale agreement in respect of the suit property on 10th February 2015 for the mutually-agreed upon entire purchase price of Kshs. 6,250,000.00, however, the Applicant failed to render the full purchase price within the stipulated completion period of 90 days from 10th February 2015. That the deceased died on 18th July 2021 without having received the entire purchase price for the suit land from the Applicant. Subsequently, the beneficiaries of the deceased's Estate engaged the Applicant with a view to resolving the issue of the outstanding amount out of the full purchase price for the suit property without success.
5. She further deposed that the deceased/Vendor's beneficiaries initiated succession proceedings eventuating in Confirmation of Grant vesting the subject property to the afore-mentioned beneficiaries.
6. That on 12th May 2025, the Applicant herein together with Mbo-I-Kamiti Farmers Co. Ltd lodged a complaint before the Respondent herein which gave rise to the decision that the transfer of the subject land to the deceased was irregularly obtained since the persons who effected the transfer on behalf of Mbo-I-Kamiti Farmers Co. Ltd were not listed as directors of the latter. That the Respondent registered restrictions over all dealings in relation to the suit land on 11th June 2025.
7. The proposed Interested Party testified that it is in the interests of justice that she be enjoined to the subject proceedings so as to ventilate the interests of the deceased's Estate taking into account the existence of a Certificate of Confirmation of Grant in respect of the deceased's Estate.
8. The Applicant Creek Ventures Limited opposed the instant application through the Replying Affidavit sworn by BENSON KIEMO WAIRAGU on 15th October 2025 in his capacity as a director of the Applicant company. It was averred that although the subject application is dated 12th August 2025, the proposed Interested Party deliberately served the same upon the Applicant on 9th October 2025 during which date the matter was scheduled for mention so as to delay, ambush and obstruct the expeditious disposal of the judicial review cause mounted by the Applicant. Further, that the delay of almost 2 months in effecting service amounts to an abuse of the due process of the Court with the effect of disentitling the proposed Interested Party from the exercise of this Court's discretion.
9. The Applicant contended that the deceased conveyed the suit property to the Applicant whilst same was registered in the name of Mbo-I-Kamiti Farmers Co. Ltd as evidenced by the sale agreement dated 10th February 2015 executed by the Vendor and the Purchaser. The Applicant refuted claims that it failed to render the full purchase price and asserted that the entire purchase price was paid thereby, divesting the deceased of all proprietary interest in the suit property. In the event, the Intended Interested Party lacks locus standi in respect of the subject property as the deceased held no subsisting interest in the same at the time of demise. Furthermore, the Administrator of the deceased's Estate ought to have notified the succession Court that the suit land formed a liability to the aforesaid Estate because the deceased had received proceeds from the sale of the same to the Applicant.
10. It was further averred that the Intended Interested Party did not appeal against the ruling of the Land Registrar dated 12th May 2025 in favour of the Applicant company, hence, the aforementioned Ruling



remains in force. According to the Applicant, the reason why the suit property was not registered in the deceased's name is that he failed to meet the costs of the transfer, payment of stamp duty and legal fees as required by Mbo-I-Kamiti Farmers Co. Ltd.

11. The Applicant invited the Court to find that the Intended Interested Party is malicious and dishonest having expressed the intention of transferring the suit property in accordance with the terms of the Certificate of confirmation of Grant in disregard of the Ruling issued by the Lands Registrar on 12th May 2025.
12. Having set out the respective positions of the parties to the instant Application, the issues isolated the following for resolution are whether the Application for joinder is merited and whether the subject proceedings ought to be transferred to the ELC.
13. The proposed Interested Party is the Administrator of the Estate of the late of ISAAC GITAU MUNYIRI. It is common ground that the deceased conveyed the subject property to the Applicant vide sale agreement dated 10th February 2015. What is contested between the Applicant and the Intended Interested Party/Administrator is whether the Applicant delivered the entire agreed upon purchase price of to the deceased. The Intended Interested Party/Administrator has also procured a Certificate of Confirmation of Grant vesting ownership over the suit property in the deceased's beneficiaries.
14. Based on the above, this court is minded to find that the Intended Interested Party/Administrator has established a demonstrable link with the suit land as enunciated by the Court in the Mumo Matemu case. Accordingly, the Court holds and finds that the application for joinder is merited.
15. On the issue of transfer of the subject Judicial Review proceedings to the ELC, the Court is alive to the Ruling of the lands Registrar dated 12th May 2025 on record. In the aforesaid Ruling, the Lands Registrar held, inter alia, that the Estate of the deceased failed to provide evidence dispelling allegations of fraud attending the transfer of the suit land to the deceased's son DAVID MUNYIRI KAMAU. In the premises, the Court subscribes to the position that the matters raised therein involve issues exclusively reserved for the ELC pursuant to Article 162 of *the Constitution* as read together with the section 13 of the ELC Act.
16. The following are the Final Orders of the Court:
 - i. The Intended Interested Party/Administrator is hereby enjoined to the subject proceedings as prayed.
 - ii. These proceedings are hereby transferred to the ELC being the more suitable forum to entertain the claims raised therein.
 - iii. Each party to bear own costs.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 18TH DAY OF DECEMBER, 2025.

HON. T. W. OUYA

JUDGE

For Applicant.....Wanjira

For Respondent.....N/A

Interested Party.....Nyerere

COURT ASSISTANT.....Brian

