



REPUBLIC OF KENYA



Gachuhi v Director National Transport & Safety Authority (Miscellaneous Application E012 of 2025) [2026] KEHC 808 (KLR) (Civ) (3 February 2026) (Ruling)

Neutral citation: [2026] KEHC 808 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYANDARUA
CIVIL
MISCELLANEOUS APPLICATION E012 OF 2025**

KW KIARIE, J

FEBRUARY 3, 2026

BETWEEN

GEOFFREY KIBIRI GACHUHI APPLICANT

AND

**THE DIRECTOR NATIONAL TRANSPORT & SAFETY
AUTHORITY RESPONDENT**

RULING

1. The applicant moved the court through a Chamber Summons dated 24th April, 2025. It was brought under sections 1A, 1B & 3A of the *Civil Procedure Act*, Order 22 Rule 67 of the Civil Procedure Rules, and Article 159(2)(d) of the *Constitution* of Kenya. The applicant seeks a vesting order compelling the Director of the National Transport and Safety Authority (NTSA) to transfer motor vehicle registration number KAV 285R to the applicant and to issue the applicant a duplicate log book, thereby vesting ownership of the said motor vehicle in the applicant.
2. The application was premised on the following grounds:
 - a. The applicant is the beneficial owner of the subject motor vehicle, having acquired the same as a gift from his son, John Muriithi Kibiri.
 - b. The said John Muriithi Kibiri had, in turn, acquired the said motor vehicle from Catherine Muiru, who is the current registered owner of the same.
 - c. The said Catherine Muiru cannot be traced but had nevertheless handed over all the documents of ownership of the said motor vehicle to the said John Muriithi Kibiri.
 - d. The said John Muriithi Kibiri had handed over all the said documents to the applicant, who unfortunately lost and/or misplaced the same while relocating to his current place of abode.



- e. The claimant has attempted to present photostat copies of the said documents to the respondent herein with a view to procuring registration of the subject motor vehicle, but the respondent has demanded a valid court order from the claimant to verify his ownership of the said motor vehicle.
 - f. That it is only fair and just that the application be allowed.
3. Section 9 of the [Traffic Act](#) provides:
- (1) No motor vehicle or trailer the ownership of which has been transferred by the registered owner shall be used on a road for more than fourteen days after the date of such transfer unless the new owner is registered as the owner thereof.
 - (2) Upon the transfer of ownership of a motor vehicle or trailer, the registered owner thereof shall, within seven days from the date of the transfer, inform the Registrar in the prescribed form of the sale or disposition, name, postal and email addresses and telephone number of the new owner, the mileage recorded on the mileage recorder (if any), of the motor vehicle, and such other particulars as may be prescribed, and shall deliver the registration book in respect of such vehicle to the Registrar together with the transfer fee, whereupon the vehicle shall be registered in the name of the new owner:

Provided that, where in any case the registered owner of a motor vehicle fails to comply with the provisions of this subsection, the Authority may, on being satisfied that the registered owner has died, left Kenya, cannot be traced, or has refused to comply with the provisions of this subsection, cause the vehicle to be registered in the name of the new owner on payment of the prescribed fee.
4. The respondent received the application but did not provide a response.
5. Courts can direct the Director of the National Transport and Safety Authority (NTSA) to issue a logbook using a process called Alternative or Forced Transfer. This may arise when the parties initiate the process, but it is not completed for various reasons. Additional situations in which this might occur include cases where the registered owner dies before the process concludes, in succession matters, or when the new owner acquires ownership following an authorised auction, among others.
6. In the instant application, the applicant alleges that Catherine Muiro, the registered owner, cannot be traced. He has not, however, indicated the steps taken to trace her. It would be highly dangerous for this court to grant the application without proof that Catherine Muiro cannot be traced, given the prevalence of motor vehicle theft in the country.
7. The application is therefore dismissed.

DELIVERED AND SIGNED AT NYANDARUA, THIS 3RD DAY OF FEBRUARY 2026

KIARIE WAWERU KIARIE

JUDGE.

