



Kalama (Suing as the legal administrator of the Estate of Katana Kalama Jefwa) v Sheti & 2 others (Land Case E129 of 2025) [2026] KEELC 643 (KLR) (4 February 2026) (Ruling)

Neutral citation: [2026] KEELC 643 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MALINDI
LAND CASE E129 OF 2025
FM NJOROGE, J
FEBRUARY 4, 2026**

BETWEEN

**KITSAO JEFWA KALAMA (SUING AS THE LEGAL ADMINISTRATOR OF
THE ESTATE OF KATANA KALAMA JEFWA) PLAINTIFF**

AND

JAPHET KARISA SHETI & 2 OTHERS & 2 OTHERS DEFENDANT

RULING

1. Kitsao Jefwa Kalama as the legal administrator of the estate of Katana Kalama Jefwa sued the 3 defendants in this suit vide plaint dated 12th September 2025 in which he sought inter alia a declaration that the estate of the late Katana Kalama Jefwa is the lawful allottee and rightful owner of land parcel Kilifi/Kibarani/516 (hereinafter referred to as “the suit land”. Filed with the plaint was an application under certificate of agency of the same date seeking a temporary injunction restraining the 1st respondent or any person claiming under him from in any way whatsoever interfering with the suit land.
2. The application is supported by the plaintiffs’ sworn affidavit in which he exhibits a copy of the grant of letters of administration to the deceased estate. he states that vide a letter of offer dated 29th December 1995 the deceased was allocated Plot Number 516 Kilifi Kibarani Settlement Scheme measuring approximately 1.1 Hectares by the Ministry of Lands and Settlement; he exhibits a copy of the letter of offer in his affidavit. He avers that the deceased made full payments at the Settlement Office, Kilifi and took possession of the land and erected a house thereon. He also planted coconut trees thereon. Copies of receipts and photographs of the developments on the suit land are exhibited as “Exh. KJK3”. The deceased passed away in 2020 before issuance of a title deed in respect of the suit land. Upon being appointed administrator, the plaintiff visited the lands office to finalize processing of title only to discover that the 1st defendant had procured the title deed to the suit property on 11th March 2016; that the 1st defendant, armed with the title deed to the suit land, has already begun asserting



ownership of the same and the plaintiff is apprehensive that the 1st defendant may at any time evict the deceased's family or the destroy the only developments left behind by the deceased. It is stated that there is a permanent residential house and perennial crops on the suit land which are at risk of destruction and that the estate would suffer irreparable was unless the orders sought are granted.

3. I have upon perusal of the CTS and the physical file found that there is no response to the application; it is therefore unopposed and I granted in terms of prayer number 2 thereof. The costs of the application shall be in the cause.
4. The parties hearing shall ensure compliance with Order 11 Of The Civil Procedure Rules, the plaintiff within 30 days from today and the defendant within 30 days from the date of expiry of the period granted to the plaintiff, and the matter shall be mentioned on 14th April 2026 for pretrial.

It is so ordered.

DATED, SIGNED AND DELIVERED AT MALINDI ON THIS 4TH DAY OF FEBRUARY 2026.

**MWANGI NJOROGE,
JUDGE, ELC, MALINDI.**

