



Mwananchi Credit Limited v National Transport Safety Authority; Brekaki & Sons Enterprises (Interested Party) (Miscellaneous Civil Application E327 of 2025) [2026] KEHC 1071 (KLR) (4 February 2026) (Ruling)

Neutral citation: [2026] KEHC 1071 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
MISCELLANEOUS CIVIL APPLICATION E327 OF 2025
G MUTAI, J
FEBRUARY 4, 2026**

BETWEEN

MWANANCHI CREDIT LIMITED APPLICANT

AND

NATIONAL TRANSPORT SAFETY AUTHORITY RESPONDENT

AND

BREKAKI & SONS ENTERPRISES INTERESTED PARTY

RULING

1. The applicant, Mwananchi Credit Limited, seeks vide, a notice of motion dated 29th October 2025, the following orders:
 - a. There be a declaration that motor vehicle registration No KHMA XXXT was lawfully sold by way of a public auction on 23rd May 2025 to the interested party herein;
 - b. The director general of the respondent, National Transport and Safety Authority, be and is hereby directed to register the transfer of the said vehicle in favour of the interested party herein, being the purchaser as per the certificate of sale issued following the public auction held on 23rd May 2025;
 - c. The costs of this application be provided for.
2. The applicant contends in the grounds in support of the application and in the supporting affidavit that it advanced a loan of Kes 4,400,000 to a borrower. The loan was secured by a chattel mortgage. It is stated that, following the borrower's persistent default, the applicant repossessed the vehicle and sold it at public auction to the interested party. However, the applicant has been unable to register the transfer because the respondent has not yet effected it despite repeated follow-ups. It was urged that,



under those circumstances, it would be fair and just to order the respondent to effect the transfer to the bona fide purchaser.

3. Despite being served, the respondent, NTSA, did not enter an appearance or file a defense. The application was therefore unopposed.
4. Although the application is unopposed, I must still ask whether the orders sought should issue. I am satisfied that, having lawfully sold the motor vehicle at a public auction, the applicant had a legitimate expectation that the transfer would be registered in favor of the interested party by the taxpayer-funded authority or agency responsible at law to do so. The refusal to register the transfer is unjustified.
5. In the circumstances, I find and hold that the application has merit. Accordingly, prayers 1 and 2 are allowed.
6. Costs follow the event. I grant the applicant the costs of the application.
7. It is so ordered.

DATED AND SIGNED IN MOMBASA, THIS 4TH DAY OF FEBRUARY 2026. DELIVERED VIRTUALLY THROUGH MICROSOFT TEAMS.

GREGORY MUTAI

JUDGE

In the presence of:-

Ms Ambutsi, holding brief for Mr Kibara, for the Applicant;

No appearance for the Respondent; and

Ms Bancy – Court Assistant.

