

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ELC MISCELLANEOUS CIVIL SUIT NO. E051 OF 2021

KABIRU & COMPANY
ADVOCATES.....APPLICANT

-VERSUS-

TURERE OLE TAYIANA.....
.....RESPONDENT

RULING

(In respect of the Chambers Summons dated 19th November 2025 under the provisions of Section 52 of the Advocates Act)

1. The application before me is by the Advocate/Applicant under Section 52 of the Advocates Act, for a charging order over the suit property alleged to have been preserved through his instrumentality. As the court categorically stated in the ruling of 6th November 2025, section 52 of the Advocates Act is applicable after the advocates costs have been taxed. The costs have indeed be taxed and ascertained in this matter.
2. Ordinarily, the Advocate should be granted the order without any hesitation having established that the suit property has been preserved through his instrumentality. However, the situation that prevails in this instance is that the title to the suit property, as the Advocate has in his own words clearly states in his application, has since been closed on subdivision; it is non-

existent. The Advocate avers that upon conducting a search of the title to the suit property, the results showed that the title had been 'closed on subdivision', and replaced by new subdivided titles, way back on 30th April 2025.

3. The Advocate seems to have left it at that. He did not conduct a search on the resultant subdivisions to establish how they are registered. It is therefore not clear if the subdivisions are in the name of the Respondent or Third Parties, yet he seeks a charging order against the title, Kajiado/Loodariak/645 and the resultant titles and an even more drastic order of restoration of the title.
4. The court would be acting blindly without that critical information. The Advocate must go farther and establish the extent of the subdivision and the names under which the resultant subdivisions are registered under.
5. I will allow the Advocate time to conduct further searches and leave to file a further affidavit attaching the searches to enable the court make an informed decision on the issue at hand.

It is so ordered.

Dated Signed and Delivered at Kajiado Virtually this 19th Day of February 2026.

M.D. MWANGI
JUDGE

In the virtual presence of:

Mr. Ndung'u h/b for Mr. Kabiru for the Advocate/Applicant
N/A by the Respondent
Court Assistant: Mpoye

M.D. MWANGI
JUDGE

ORIGINAL FILE COPY