

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT OF KENYA AT
KERUGOYA

ELCL MISC NO. E008 OF 2026

**IN THE MATTER OF SECTION 17, 56, 57 & 65 OF THE
TRUSTEE ACT, CHAPTER 167 OF LAWS OF KENYA**

AND

**IN THE MATTER OF SALE OF ¼ ACRE TO BE EXCISED
FROM L. R. NO. BARAGWE/KARIRU/4066**

LUCY MUMBI YUSUFU NDAMBIRI 1ST
APPLICANT

VERONICA NJERI NYAGA 2ND
APPLICANT

HESBORN KURIA NYAGA 3RD
APPLICANT

[Originating Summons dated 22nd January 2026]

RULING

1. The applicants moved the court through the originating summons dated 22nd January 2026 seeking for inter alia:

a. Leave to excise and sell a ¼ acre of land from **Baragwe/Kariru/4066**, which measures 0.153, and

the proceeds realised from the said sale be applied as follows: -

- i. The purchase of $\frac{1}{2}$ acre to be excised from **L.R. Ngariama/South Ngariama/6838**, that is to be subdivided into two equal portions of $\frac{1}{4}$ acre each. That one portion be registered in the names of Lucy Mumbi Jusufu Ndambiri and Esther Muthoni Nyaga (minor) jointly, and the other in the names of Joseph Murimi Nyaga and Francis Solomon Gichobi Nyaga (minor) also jointly.
 - ii. The education needs of Esther Muthoni Nyaga, and Francis Solomon Gichobi Nyaga, both minors.
 - iii. The incidental costs arising from the transfer, registration and issuance of title in respect of the $\frac{1}{2}$ acre to be excised from **L.R. Ngariama/South Ngariama/6838**.
- b. That the remaining balance of $\frac{1}{8}$ out of **Baragwe/Kariru/4066** be registered in the joint names of Veronica Njeri Nyaga and Hesborn Kuria Nyaga, the 2nd & 3rd applicants.

2. The application is based on the seven (7) grounds on its face and supported by the affidavits of the applicants sworn on 22nd January 2026 and 18th February 2026, in which they deposed inter alia that the 1st applicant is the mother to the two minor named Esther Muthoni Nyaga and Francis Solomon Gichobi Nyaga, 2nd & 3rd applicants, and Joseph Murimi Nyaga; that the applicants and the two minors are the registered proprietors of **Baragwe/Kariru/4066**, measuring 0.153 hectares, that originated from **Baragwe/Kariru/3934** that devolved to them through transmission; that **Parcel Baragwe/Kariru/3934** was subdivided into **Baragwe/Kariru/4065 & 4066** pursuant to a court order issued on 22nd March 2023 in **ELC MISC. No. E007 of 2023**; that **Baragwe/Kariru/4065** was then sold and now seek for the instant application to be allowed.
3. The learned counsel for the applicants made brief oral submissions on the 17th February 2026 and 2nd March 2026 in support of the application that I have considered.
4. The issue for determination by the court is whether the applicants have made out a reasonable case for leave to sell a portion of the suit property and the proceeds to be employed as proposed to be granted.

5. That I have considered the grounds on the application, the affidavit evidence by the applicants, oral submissions by their learned counsel and come to the following findings:

a. That the following documents are attached to the supporting and further affidavits;

- i. Copy of a Sale agreement dated 12th January 2026;
- ii. Copy of Certificate of official search for **Baragwe/Kariru/3934** dated 31st May 2023;
- iii. Copy of Letter of consent dated 6th June 2023 for subdivision of **Baragwe/Kariru/3934** into two portions;
- iv. Copy of Certificate of search dated 30th August 2023 for **Baragwe/Kariru/4065**;
- v. Copy of Court order issued on 22nd March 2023 in **ELC MISC. No. E007 of 2023**;
- vi. Copy of title deed for **Baragwe/Kariru/4066** issued on 30th August 2023, in the manes of Lucy Mumbi Jusufu Ndambiri of identity card No. 25017715, and three minors namely, Francis Gichobi Nyaga, Veronica Njeri Nyaga, Esther Muthoni Nyaga and Hesborn Kuria Nyaga;
- vii. Three copies of certificates of births for Joseph Murimi, Esther Muthoni and Francis Solomon Gichobi.

- viii. Three copies of identity cards for Hezbon Kuria Nyaga, Veronica Njeri Nyaga and Lucy Mumbi Jusufu Ndambiri; and
- ix. Copy of certificate of confirmation of grant dated 3rd November 2021 issued in **Gichugu PM Succession Cause No. 37 of 2016.**

6. That the court has confirmed from the copy of the title deed in respect of **Baragwe/Kariru/4066**, that the applicants herein together with the two minors, namely Francis Gichobi Nyaga and Esther Muthoni Nyaga are the registered proprietors. From the copies of national identity cards attached Hezbon Kuria Nyaga and Veronica Njeri Nyaga, the 2nd & 3rd applicants who were minors at registration as proprietors have now attained the age of majority with capacity to give consent on how to deal with their interest.

7. That I therefore take it that the applicants, as mother and siblings to the two minors, will ensure the interests of the two minors over the subject suit property, and the one to be bought with the proceeds of the sale thereof will be assured and protected. Accordingly, I allow the application and order as follows:

a. Leave is granted to excise and sell a quarter acre of land from Baragwe/Kariru/4066, and the

proceeds realised from the said sale be applied as prioritised here below:

- i. Firstly, the purchase of a half-acre from L.R. Ngariama/South Ngariama/6838. That the half-acre to be subdivided into two equal portions of a quarter acre each, with one portion be registered in the names of Lucy Mumbi Jusufu Ndambiri and Esther Muthoni Nyaga (minor) jointly, and the other in the names of Joseph Murimi Nyaga and Francis Solomon Gichobi Nyaga (minor), also jointly.**
 - ii. Secondly, the education needs of Esther Muthoni Nyaga, and Francis Solomon Gichobi Nyaga, both minors.**
 - iii. Thirdly, the incidental costs of transfer, registration and issuance of title in respect of the half-acre to be excised from L.R. Ngariama/ South Ngariama/6838.**
- b. That the remainder of the Land Parcel Baragwe/Kariru/4066 after excision of quarter acre be registered in the joint names of**

**Veronica Njeri Nyaga and Hesborn Kuria Nyaga,
the 2nd & 3rd applicants herein.**

It is so ordered.

**DATED, SIGNED AND VIRTUALLY DELIVERED ON
THIS 4TH DAY OF MARCH 2026.**

Kibunja

S.M.

JUDGE

ELC

In the presence of:

Applicants - No appearance

Kinyua - Court Assistant.

Kibunja

S.M.

JUDGE

ELC