

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MILIMANI

ELC MISC APPLIC NO 181 OF 2019

REPUBLIC.....APPLICANT

VERSES

THE CHIEF LAND REGISTRAR.....RESPONDENT

ROSELYNE AKOTH AYOKI

VICTOR OWUOR AYOKI

(Suing as Administrators of

the estate of Wycliffe Onyango Ayoki (Deceased).....EX-PARTE APPLICANT

BEFORE: HON JUSTICE B M EBOSO

IN CHAMBERS ON 15/10/2019

RULING

I have considered the chamber summons dated 14/10/2019. The ex-parte applicants contend that they are administrators of the estate of the late Wycliff Adonijah Onyango Ayoki who until his death in 1997 was the registered proprietor of Land Reference Number 3734/27, comprised in Title Number LR 13376. They allege that the said title has been fraudulently transferred into the name of one Andrew Munene Mugambi but the respondent who is the custodian of land records has declined to issue them with an official search relating to the suit property.

Consequently, they seek leave of the court to bring a motion to compel the respondent through orders of mandamus to issue them with an official search and copies of the deed file showing all transactions on the deed file.

I have considered the chamber summons together with the evidential materials attached to it. I am satisfied that a proper basis has been laid for grant of leave. I accordingly grant leave. The substantive motion shall be filed and served within 21 days from today. Mention for directions on 2/12/2019. The respondent to file and serve a response within 14 days from date of service. Parties to exchange brief written submissions before 2/12/2019. It is so ordered.

DATED, SIGNED AND RENDERED AT NAIROBI ON THIS 15TH DAY OF OCTOBER 2019.

B M EBOSO

JUDGE