



REPUBLIC OF KENYA

IN THE ENVIRONMENT & LAND COURT

AT MILIMANI

ELC MISC.APPLICATION NO. 277 OF 2015

P .G WAWERU.....APPLICANT

NAIROBI CITY COUNTY.....PLAINTIFF

=VERUS=

ESTHER WAMBUI WAITHAKA...DEFENDANT/RESPONDENT

RULING

BACKGROUND

1. Esther Wambui Waithaka is the registered owner of **LR No. Nairobi Block 115/30 (suitland)**. The owner of the suit land was in arrears of rates. The Nairobi City County filed a suit against her and obtained a decree. The suit land was sold in a public auction held on **18th June 2015**. The suit land was purchased by one **Lucy Wairimu Kabare**.

APPLICANT'S APPLICATION.

2. The auctioneer who sold the suit land has now filed an application under **Order 22 Rule 79 of the Civil Procedure Rules** seeking to have a certificate in favour of the purchaser. The application was served upon the judgement debtor through advertisement in the Standard Newspaper. There was no response to the application.

ANALYSIS

3. I have gone through the application as well as the annexures thereto. This was a case filed against the judgement debtor in the City Court. A decree in favour of the Nairobi City County was given. The suitland was sold in a public Auction held on **18th June 2015**. There is evidence of payment of **Kshs.600,000/=** to the Auctioneer. The auctioneer has given certificate of sale which shows that the purchaser was Lucy Wairimu Kabare.

4. There is no evidence that the judgement debtor or any affected persons applied to court to set aside the sale as provided for under Order 22 Rule 74 and 75 of the Civil Procedure Rules .By dint of the provisions of rule 77(1), the sale has become absolute and the purchaser is entitled to move the court for a certificate under Rule 79.

CONCLUSION

5. I therefore make an order confirming sale of the suit land to Lucy Wairimu Kabare. A certificate is accordingly issued to Lucy Wairimu Kabare in respect of **LR No. Nairobi Block 115/30**. Costs of this application shall be paid by the judgement debtor.

It is so ordered.

Dated, Signed and Delivered at **Nairobi** this **20th** day of **March 2017**.

E.O .OBAGA

JUDGE

In the Presence of ;-

M/s Munyua for Mr Kabaiku for the Auctioneer/Applicant

No appearance for the Plaintiff

No appearance for the Defendant/Respondent

E.O .OBAGA

JUDGE