



**Waweru v Director General National Transport & Safety Authority (Miscellaneous Civil Application E015 of 2025) [2025] KEHC 8995 (KLR) (26 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8995 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAHURURU  
MISCELLANEOUS CIVIL APPLICATION E015 OF 2025  
LN MUTENDE, J  
JUNE 26, 2025**

**BETWEEN**

**ELIZABETH MUBMI WAWERU ..... APPLICANT**

**AND**

**THE DIRECTOR GENERAL NATIONAL TRANSPORT & SAFETY  
AUTHORITY ..... RESPONDENT**

**RULING**

1. The Applicant approached this court through a Notice of Motion dated 2<sup>nd</sup> May, 2025, seeking orders thus;
  1. Spent
  2. This Honourable Court be pleased to issue a vesting order authorizing the Respondent to transfer and register Motor Vehicle Reg. No. KBS xxxU Nissan X-Trail in the name of the Applicant and to issue a duplicate logbook in respect of the said motor vehicle in or to effectively vest ownership thereof in her favour.
  3. That there be no orders as to costs.
2. The stated application is supported by the affidavit of Elizabeth Mumbi Waweru on the following grounds;
  - a. The Applicant purchased suit motor vehicle through a public auction conducted on 12<sup>th</sup> February, 2021, by M/s Hebros Auctioneers and was duly issued with all the necessary legal documents evidencing the said transaction.
  - b. The Applicant presented the said documents to the office of the Respondent for registration but the said transfer has not been effected to date on account of a vesting order.



- c. The Applicant was not aware about the requirement for a vesting order until recently when she was verbally informed about it.
  - d. The Applicant desires to sell the suit motor vehicle in order to pay college fees and maintenance for her daughter who is currently studying at Kenyatta University having joined in the year 2023.
  - e. The Applicant has secured a potential buyer for the suit motor vehicle but is unable to enter into any sale contract without a logbook thereof.
  - f. Unless the application is heard and orders made on a priority basis, the proposed sale of the suit motor vehicle will be impossible and the Applicant's daughter will drop out of university as she has no alternative source of money.
  - g. It is therefore in the interest of justice to hear and allow the application on priority basis.
3. The application is not opposed.
  4. I have considered the Notice of Motion, affidavit in support and the oral argument by counsel for the Applicant.
  5. The application is brought pursuant to Order 22 Rule 67 of the *Civil Procedure Rules* that provide thus;

In the case of any movable property not herein before provided for, the court may make an order vesting such property in the purchaser, or as he may direct, and such property shall vest accordingly.
  6. In exercising the discretion conferred upon me by the law, I must establish whether the Applicant demonstrated that the property was legally sold.
  7. The Applicant has demonstrated existence of instructions to levy distress, proclamation of attachment, and newspaper advertisement. However, there is no evidence to suggest that the property was sold and the purchase price having been paid.
  8. For that reason, the vesting order for completion of the sale process cannot issue.
  9. The upshot of the above is that the application is bereft of merit. Accordingly, it is struck out.
  10. Orders accordingly.

**DATED, SIGNED AND DELIVERED VIRTUALLY THIS 26<sup>TH</sup> DAY OF JUNE, 2025.**

**L.N. MUTENDE**

**JUDGE**

