



**In re Mohamed Abdulaziz Bayusuf (Family Miscellaneous Application
E040 of 2025) [2025] KEHC 11542 (KLR) (30 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11542 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
FAMILY MISCELLANEOUS APPLICATION E040 OF 2025**

**G MUTAI, J
JULY 30, 2025**

**IN THE MATTER OF
MOHAMED ABDULAZIZ BAYUSUF APPLICANT**

RULING

1. Before me is the Originating summons dated 23rd July 2025 vide which Mohamed Abdulaziz Bayusuf (hereafter “the applicant”), seeks to be allowed to sell Title No Lamu/Block1/1061 to Sheikhha Mohamed, for and on behalf of his father, Mr Abdulaziz Awadh Omar (hereafter “the Ward”) and for the conveyance or instruments made by the applicant in respect of the sale of Title No Lamu /Block 1/1061 to Sheikhha Mohamed on behalf of the ward to be deemed as legality valid and registerable.
2. I note that his court, in HCF Misc. Application No. E022 of 2023 appointed the applicant as the guardian ad litem and manager of the property of the Ward. In particular, I ordered that he shall manage the land and business in Lamu. The land sought to be sold is located in Lamu and is therefore covered by the aforementioned decision.
3. Vide this application, the applicant seeks to sell the property, as such power was specifically denied in my ruling in HCF Misc. No E022 of 2023. The reason for doing so, as disclosed in the application, is that they have depleted the family's resources. The sale of the said property will therefore unlock and make available funds which will then be used to treat the Ward.
4. When this matter was filed, I directed that the same be heard in open court on 30th July 2025, due to its urgency. When the matter came up in open court today, all family members attended as directed. The court was able to establish that the wife and children of the Ward agree that the said property be sold.
5. As the family members agree and in view of the fact that the application is in the best interest of the Ward, it is my view that the application should be allowed.
6. Under the circumstances, I order as follows: -



- a. I grant leave to Mohamed Abdulaziz Bayusuf to transfer, by sale, property Title No Lamu/Block 1/1061 to Sheikha Mohamed, on behalf of the Ward, Abdulaziz Awadh Omar; and
 - b. I order that every conveyance or instrument made by Mohamed Abdulaziz Bayusuf in respect of the sale of Title No Lamu/Block 1/1061 to Sheikha Mohamed, on behalf of the Ward, Abdulaziz Awadh Omar, is legally valid and registrable.
7. As this is a non-contentious matter, I make no orders as to costs.
 8. Orders accordingly.

DATED AND SIGNED IN MOMBASA, THIS 30TH DAY OF JULY 2025. DELIVERED VIRTUALLY THROUGH MICROSOFT TEAMS.

GREGORY MUTAI

JUDGE

In the presence of:-

Mr Mureithi for the Applicant;

Arthur – Court Assistant.

