Forty Adverse Possession Claimants Occupation and Parcel Schedule

Educational sample 288 | Mombasa

Educational reconstruction from a reported Kenyan decision. Newly drafted wording, not an original court filing or a matter handled by our team. Specimen identities are bracketed. Adapt to genuine facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MOMBASA

ENVIRONMENT AND LAND ORIGINATING SUMMONS NO [reference]

[NAMED OCCUPIER APPLICANTS] v [REGISTERED PROPRIETOR]

EVIDENCE OR COMPUTATION SCHEDULE

1. This schedule is to identify every Applicant and the land each claims. It supports the originating summons and evidence; it does not create entitlement for an unnamed household, relative or member of a community organisation.

2. For each Applicant record [name in confidential filing], [capacity], [date or period of entry], [source of knowledge], [occupied portion] and [residence or cultivation evidence]. Uncertain dates are stated as uncertain, with the evidence supporting any approximate period.

3. The title column gives the certified register date, registered proprietor and relevant parcel changes. The extent column links each occupied portion to an adequate map or survey description, explaining any shared occupation or overlap.

4. The permission and interruption columns record any tenancy, licence, consent, acknowledgment, eviction, recovery suit or cessation of possession. A blank column is not represented as proof that no interrupting event ever occurred.

5. The supporting-evidence column gives the document date, custodian, page and actual purpose. A 2023 organisation certificate establishes registration; it does not prove the beginning of a thirty-year occupation claim.

6. The proposed registration column identifies the names and form of ownership sought within the pleaded case. Any eventual order must be checked against the decree and land-registration requirements, rather than treating the draft schedule as authority for transfer.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected person and address].

Use and evidence notes

This is an evidential or accounting aid, not an originating process or independent proof. Give dates, authors or custodians, admissibility status, actual document pages and transparent calculations. Label missing and disputed items. Obtain the applicable leave or directions for supplementary evidence, serve it and prevent duplicate credits or recovery.

Supporting material: [date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach genuine records only. This public specimen contains no exhibits, signatures, personal identifiers or sworn declaration.

Source and procedural limits

Forty occupiers sought title to approximately 3.790 hectares through adverse possession. They relied on longstanding occupation, photographs, a sketch of their portions and a title search. The registered proprietor did not appear after court-authorised substituted service; the Court heard formal proof.

The Court declared the occupiers entitled through adverse possession and directed cancellation or rectification of the proprietor entries and registration of the forty successful applicants. There was no costs order. Non-appearance did not replace the applicants obligation to prove their claim.

Limitation of Actions Act sections 7 and 38 and Civil Procedure Order 37 rule 7 govern the substantive and originating-summons issues. Identify each claimant, legal capacity, occupied extent, commencement, continuity, lack of permission and possible interruption. Community registration in 2023 is not the start of each person occupation. The source refers both to over thirty years and entry in 1983; do not manufacture an identical start date for all forty.

[2025] KEELC 5068 (KLR) - 4 July 2025. Source decision: https://sheriahub.com/cases/ke/caselaw/kalama-39-others-under-umoja-family-moja-cbo-v-nahdey-2025-keelc-5068-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/kalama-39-others-under-umoja-family-moja-cbo-v-nahdey-2025-keelc-5068-klr

The original decision may identify participants. The specimen brackets identifying details. A source judgment does not prove this reconstruction was filed, an allegation succeeded, a later order remains unchanged or the same result will follow in another case.