Further Affidavit Confirming Registered Owners from an Official Land Search

Educational sample 193 | Nairobi

Educational reconstruction from a reported Kenyan judgment. This is newly drafted text, not an original court filing and not a matter handled by our team. Identifying details are replaced with bracketed fields. Verify the 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 NAIROBI

CAUSE CIVIL SUIT OR APPLICATION NO [correct reference]

[CLAIMANT PLAINTIFF OR APPELLANT] v [RESPONDENT OR DEFENDANT]

AFFIDAVIT

1. I am [Applicant] and make this further affidavit pursuant to [actual leave or directions]. Its purpose is to identify the title search. It does not introduce new grounds or new evidence beyond the permission granted by the Court.

2. I obtained an official search dated [date] concerning [land reference]. The complete authenticated result is exhibited [label and pages]. It identifies [owners, interest and relevant entries], which must be copied accurately from the actual record.

3. The search confirms registration, not the origin or continuity of my possession. It does not itself prove that the owners gave up possession, knew of adverse acts or lost their interest through limitation. Those questions require the separate factual evidence.

4. Any difference between the search, title copy and parties named in the summons is [identify and seek necessary directions]. The land’s residual leasehold period and any entries affecting the claimed interest must be stated correctly.

5. I do not attach identity documents or unrelated private material to the public sample. The required court records must be supplied through the proper filing process. The historical further search did not cure the other evidential gaps, and the source claim remained unsuccessful.

SWORN by [deponent] at [place] on [date]. Signature [ ]. BEFORE ME [Commissioner for Oaths]. This sample has not been sworn.

Use and evidence notes

Identify the deponent, authority, personal knowledge and each source of information. Index and authenticate actual exhibits; complete every factual field truthfully. This specimen is unsworn and has no exhibits. Obtain the applicable leave for a further affidavit, and complete a valid jurat before an authorized Commissioner for Oaths. An affidavit must not be used to invent missing evidence or put submissions in a witness mouth.

Supporting material schedule: [document date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach only genuine available records and mark missing records accurately.

Source and procedural limits

An originating summons sought the remaining leasehold interest in Nairobi land. The claimant alleged occupation from February 2011 and more than twelve years of exclusive possession without permission. His affidavit also referred to grandparents' earlier occupation. The owners did not appear after substituted service. A further affidavit and official search confirmed registered proprietors, but independent evidence of commencement, continuity and adverse character was lacking.

The Court dismissed the adverse-possession claim without an order for costs. Family occupation made the start and nature of possession uncertain; no sufficient evidence showed when it became adverse to the owners. An unopposed claim still required proof. Residence for thirteen or fourteen years, an official search and assertions of fencing were insufficient on this record.

Limitation of Actions Act sections 7, 13, 17 and 38, Land Registration Act section 28(h), and Order 37 rule 7 require careful application. Attach the prescribed title material and identify the claimed land and leasehold remainder. Prove when possession became non-permissive and adverse, its extent, visibility and continuity. Do not treat a landowner's absence or a non-appearance as automatic loss of title, or use this specimen to revive the dismissed claim.

[2025] KEELC 7920 (KLR) — 13 November 2025. Original judgment: https://sheriahub.com/cases/ke/caselaw/mark-v-mmumbuongo-another-2025-keelc-7920-klr

The original decision may identify participants. The specimen replaces their identifying details. A source decision is not proof that a draft was filed, that an allegation succeeded, or that the same result will follow in another case.