Applicant Affidavit on Rival Registry Records and Missing Notice

Educational sample 407 | Kwale

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 KWALE

JUDICIAL REVIEW CAUSE NO [reference]

REPUBLIC v [LAND REGISTRAR] EX PARTE [RIVAL CLAIMANT]; [HEIR] INTERESTED PARTY

AFFIDAVIT

1. I am [rival claimant], the ex parte applicant. I identify my title and the registry extracts at [genuine exhibits], stating when and from which office each was obtained. My ownership assertion is contested and this affidavit distinguishes those documents from a final judicial determination.

2. The searches and charge/discharge material at [pages] show the entries on which I rely. When informed of competing green cards, I supplied [documents] to the registry through [verified communication]. The acknowledgment and relevant recipient are identified at [exhibits].

3. I subsequently obtained the search dated [date], showing transmission to [heir] and a resulting title. I was not given notice of that proposed registration or an opportunity to make representations. I set out how I learned of the change and the exact records supporting that account.

4. The registrar relies on the succession order at [exhibit]. I disclose its existence and the fact that it has not been set aside through this application. My challenge concerns the registration process that affected my asserted interest, not a sworn declaration that I have won the inheritance or ownership dispute.

5. The competing records contain differences in area, map sheet and chronology at [specific comparison]. I identify those differences without substituting my own unproved conclusion that every document is forged. Custodians and survey evidence must address authenticity through the lawful procedure.

6. I support the permitted certiorari and preservation prayers on the genuine facts set out above. Any further affidavit will be filed only with the required permission. This specimen is unsworn and contains no annexures; complete accurate exhibits and a valid jurat before relying on it.

SWORN by [deponent] at [place] on [date]. Signature [ ]. BEFORE ME [competent authorised oath administrator]. This specimen has not been sworn.

Use and evidence notes

Complete the deponent identity, authority and actual personal-knowledge or identified-information basis. Index and authenticate genuine exhibits; missing exhibits are not supplied by this text. An affidavit is evidence, not a vehicle for new unpleaded relief or invented expert conclusions. Obtain any required leave for a further affidavit and complete a valid jurat before a competent authorised person. This specimen is unsworn.

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

A claimant relying on an earlier title, charge history and searches challenged transmission to an heir under a Msambweni Kadhi succession order. The registrar acknowledged competing green-card material but effected transmission without notifying the rival claimant. Parcel area, map sheets, document authenticity and ownership were contested.

Kwale ELC quashed the transmission registration and resulting title, prohibited further transactions pending final ownership determination, and directed a merits case in the appropriate forum with available defences preserved. Each party bore own costs. The court did not declare the applicant owner or cancel the Kadhi succession judgment.

Distinguish article 47 and Fair Administrative Action Act process relief from ownership adjudication. Under the source Order 53 route obtain leave, a statutory statement and verifying facts affidavit, then the permitted substantive motion and service. The source expunged a further registrar affidavit filed without leave. Authenticity allegations require proof, not automatic findings of crime.

[2025] KEELC 1261 (KLR) - 17 March 2025. Source decision: https://sheriahub.com/cases/ke/caselaw/republic-v-land-registrar-kwale-kabila-another-interested-parties-2025-keelc-1261-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/republic-v-land-registrar-kwale-kabila-another-interested-parties-2025-keelc-1261-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.