# Joint Purchasers Plaint for Plot Transfers and Removal of a Competing Occupier

Educational sample 461 | Machakos

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 MACHAKOS

ENVIRONMENT AND LAND CASE NO [reference]

[PLOT PURCHASERS] v [CO-OPERATIVE] AND [COMPETING OCCUPIER]

PLAINT

1. The Plaintiffs are [identified purchasers] with individual transactions listed in the annexed schedule. The first Defendant is the registered co-operative proprietor of [mother parcel]; the second Defendant occupies the disputed portions under a competing claim.

2. Each Plaintiff purchased [identified plot] from [member or seller] through the first Defendant recognised transfer process. Particular agreements, fresh allotment letters, purchase payments, transfer, beacon and title-processing receipts are [scheduled by purchaser].

3. The first Defendant has not completed transfer of the purchased plots despite [proved performance and demand]. The Plaintiffs seek completion of their respective transactions; no Plaintiff claims a plot solely because another purchaser paid.

4. The second Defendant entered and developed [identified portions] without a proved lawful interest against the Plaintiffs. Particulars of interference are [structures, removed beacons or exclusion supported by evidence]. The claimed alternative title and its root are specifically disputed.

5. Jurisdiction, standing, any section 76 issue, related proceedings and existing orders are [fully pleaded]. The Plaintiffs seek no cancellation of an instrument whose existence they cannot establish and no unexplained global damages figure.

6. The Plaintiffs pray for transfer of their proved plots, permanent restraint of unlawful interference, lawful vacant possession and enforcement directions, and costs. Any damages sought must have a separately particularised basis and evidence; court-authorised execution or police assistance requires an express lawful order.

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

Complete parties, addresses for service, material jurisdiction and limitation facts, precise negligence or other particulars, related proceedings and prayers. Check Orders 3 and 4 for the required verifying affidavit, witness statements, list and copies of documents; complete summons, fee and lawful service. Special damages require particular pleading and proof. This specimen is substantive wording, not the entire filing pack.

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

Fifty-seven plot purchasers relied on agreements, fresh allotment letters and payment receipts issued through the registered co-operative proprietor. A competing occupier claimed a different parcel subdivision, developed the land and counterclaimed. A survey officer could find no records for the asserted subdivision. The co-operative supported the buyers; the competitor called no evidence.

The Court ordered permanent protection, vacation by the competitor within 90 days and transfer by the co-operative within 30 days, with authorised execution of documents on default. The non-existent-title cancellation prayer and unexplained general damages were refused. The competitor counterclaim was dismissed and it bore costs; the registrar and Attorney General claims were dismissed without costs.

Each purchaser must connect a genuine transaction to an identified plot. An allotment or title copy cannot replace proof of lawful acquisition. Co-operative jurisdiction had been determined on the particular dispute; no blanket rule bypassing section 76 follows. Police assistance and enforcement periods require the actual order.

[2025] KEELC 195 (KLR) - 22 January 2025. Source decision: https://new.kenyalaw.org/akn/ke/judgment/keelc/2025/195/eng@2025-01-22

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/mungaru-56-others-v-kamulu-housing-cooperative-society-3-others-2025-keelc-195-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.