**Khushal v Gilani**

[1974] 1 EA 370 (HCK)

**Division:** High Court of Kenya at Nairobi

**Date of judgment:** 29 May 1974

**Case Number:** 2303/1973 (89/74)

**Before:** Harris J

**Sourced by:** LawAfrica

*[1] Land – Caveat – Extension – Order must be served on registrar within* 28 *days – Registration of*

*Titles Act* (*Cap.* 281) *s.* 57 (*K.*)*.*

**Editor’s Summary**

The defendant lodged a caveat to protect the interest claimed by him in the suit. He was served with a

notice requiring removal of the caveat within 28 days and his application for its extension was heard after

the expiry of the 28 days.

The plaintiff contended that there was no jurisdiction to grant the application after the expiry of the

caveat, and the defendant contended that the application had been made within the 28 days.

**Held –** an order must be served on the registrar within 28 days.

Application dismissed.

**Cases referred to Judgment:**

(1) *Parmer v. Singh* (S.C.C.C. 259 of 1963) unreported.

(2) *Mayers v. Akira Ranch Ltd*. (No. 3), [1973] E.A. 431.