



REPUBLIC OF KENYA



**KENYA LAW**  
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**Njoroge v Amai & another (Civil Case 72 of 2007)  
[2023] KEHC 21027 (KLR) (27 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 21027 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CIVIL CASE 72 OF 2007  
HK CHEMITEI, J  
JULY 27, 2023**

**BETWEEN**

**SULEIMAN KARUGA NJOROGE ..... APPLICANT**

**AND**

**HENRY AMAI ..... 1<sup>ST</sup> RESPONDENT**

**JOSEPH CHACHA ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. In his Notice of Motion application dated November 16, 2022 the applicant prays for the following orders;
  - (a) That this court be pleased to order Tango Auctioneers to execute the decree of this court and evict the defendant and its agents from land parcel number Nakuru/Kapsita/1131.
  - (b) The OCS Elburgon police station do provide security to the auctioneers.
  - (c) Costs of the application.
2. The application is based on the grounds on the face thereof and the sworn affidavit of the applicant dated even date.
3. The 1<sup>st</sup> respondent has opposed the application vide his replying affidavit sworn on December 19, 2022.
4. When the matter came up for hearing the court directed the parties to file written submissions which they have complied and the court has perused them.
5. The issues herein are easy to understand. Judgement was issued against the respondent on 1May 2, 2010 and was ordered to vacate land parcel number Nakuru/Kapsita/1131. To date and despite many applications to thwart the said orders he has failed to do so.



6. In his reply he stated that he has not been violent and or refused to comply with the court orders. He seems to suggest that the land in question is more than that which the court gave the applicant and thus he calls for survey to be undertaken.
7. This court having perused and understood the matter does not see the reasons why the respondent cannot comply with the eviction orders issued over 10 years ago. There is no evidence that the land is small or big as he suggests. The title to the land litigated upon is one and if the same was big or small on the ground then it was incumbent upon the respondent to make the necessary applications for consideration.
8. Consequently, I find that the application is merited. In the absence of any contrary order stopping the eviction order then the respondent his servants or agents must comply with the law. Citing other illegal evictions across the country does not aid his course. He cannot disobey the lawful orders from the court which he is fully aware.
9. The application is hereby allowed with costs to the applicant.

**DATED SIGNED AND DELIVERED AT NAKURU VIA VIDEO LINK THIS 27<sup>TH</sup> DAY OF JULY, 2023.**

**HK CHEMITEI**

**JUDGE**

