



**REPUBLIC OF KENYA.**

**IN THE HIGH COURT OF KENYA**

**AT KAKAMEGA.**

**ENVIRONMENT AND LAND CASE NO. 229 OF 2013**

**AYUBU OMOLO MWIMBI.....PLAINTIFF**

**VERSUS.**

**SELINE MBOGA MWIMBI.....1<sup>ST</sup> DEFENDANT**

**JOHN OMIMBI ASSA.....2<sup>ND</sup> DEFENDANT**

**JUDGMENT.**

[1]. The plaintiff filed this case on 13<sup>th</sup> August 2013 against the 1<sup>st</sup> and 2<sup>nd</sup> defendants. Who are a mother and son and who are the wife and son of his brother Arthur Omwimbi now deceased.

He states that he is the registered owner of Land Parcel E. Bunyore/Ebuchitwa/1994 which comprises of 1.0 acres. The plaintiff states that while he was working in Mombasa, he asked his said brother to take care of his Land parcel aforesaid. His brother Arthur Omwimbi then brought his wife and son (defendants herein) into the suit land. The plaintiff states that the defendant had his own land E. Bunyore/Ebuchitwa/2100 which was still registered in his own name. That on the death of the plaintiff's brother aforesaid, the defendants refused to move out and vacate the plaintiff's land. That therefore, the plaintiff had to bring this suit.

[2]. The plaintiff produced his title deed for E. Bunyore/Ebuchitwa/1994. The defendant who has been served filed no pleadings. They were served with the hearing notice of the case. They chose not to attend. The case was formally proved by the defendant.

I grant the Plaintiff his prayers in the plaint. The defendants shall be evicted from the suit land by the plaintiff with the help of the Court bailiff forthwith. Each party shall bear their own costs.

**Dated at Bungoma this 22<sup>nd</sup> day of November, 2017.**

**S. MUKUNYA**

**JUDGE.**