



**THE REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT THIKA**

**ELC CASE NO 111 OF 2017**

**ANTHONY NDUNG’U MAINA ..... PLAINTIFF**

**=VERSUS=**

**FAITH WANJIKU MAINA ..... DEFENDANT**

**RULING**

1. This court (Gacheru J) rendered a judgment in this suit on 19/11/2020 in favour of the plaintiff in the following terms;

*(a) That an eviction order be and is hereby issued directing the defendant to demolish her illegal structure, remove the debris thereof, and to vacate all that property known as LR No. Ruiru Kiu/Block 4/458, share certificate number 1512, Mwihoko Housing Company Limited.*

*(b) That the defendant’s counterclaim be and is hereby dismissed entirely.*

*(c) That costs to the plaintiff.*

2. Subsequent, the plaintiff brought a notice of motion dated 8/12/2020 seeking an order that the officer in charge of Mwihoko Police Post do enforce the eviction order. The said application is the subject of this ruling. It was supported by the plaintiff’s affidavit sworn on 8/12/2020. I have considered the said application. In the absence of a stay order there is no proper reason why the decree holder should not be assisted to enforce the decree. I will in the circumstances, grant the plea as prayed in prayers 2 and 3 of the application but modify the court order to limit the role of the police to ensuring law and order during the eviction. The decree holder shall enlist the services of the relevant licensed court officers mandated to carry out evictions.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT THIKA ON THIS 24TH DAY OF JANUARY 2022**

**B M EBOSO**

**JUDGE**

**In the Presence of: -**

Ms Mugo for the Plaintiff

Court Assistant: Phyllis Mwangi