



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT BUNGOMA**

**LAND AND ENVIRONMENT CASE NO. 70 OF 2014**

**BRIGID KIBONE NAMONYO.....PLAINTIFF**

**VERSUS**

**WALTER WANJALA.....DEFENDANT**

**JUDGEMENT**

[1] The plaintiff Brigid Kibone Namonyo filed this suit on 9<sup>th</sup> July 2013 in which she states that she is the registered owner of land parcel Ndivisi/Muchi/8216 measuring 0.046 or thereabouts.

The plaintiff became the owner of this land through Kitale High Court Administration Cause No. 129 of 2011. The land belonged to her late father JACKSON NAMWOYO NABUSIGA who died in 2006. She was issued with a title deed for the same on 18/2/2013. She produced a copy of the title and green card for the said land.

[2] The plaintiff told the court that she had sued the defendant because he is occupying her land. She said she does not know when he took possession. She said she had a demand letter written to him to leave on 7/6/2003 and that he never responded. She told the court that the grant was filed in 2009 and since it was granted, it has never been revoked to date. The defendant never attended the court. It was established that the defendant and his advocate were aware of the hearing date.

[3] Having heard the plaintiff and having perused the documents produced by the plaintiff, I am convinced on balance of probabilities that the plaintiff has proved her case.

The plaintiff's suit is allowed as prayed. The defendant shall be evicted by the court bailiff from title number Ndivisi/Muchi/8216 with costs of the suit to the plaintiff. The defendant shall also be responsible for the costs of such eviction by the court bailiff.

It is so ordered.

Dated, signed and delivered at Bungoma this 27<sup>th</sup> day of July 2016

**S.MUKUNYA JUDGE**

**In the presence of**

Joy/Gladys court assistants

Mr. Murunga for M/s Munialo for the plaintiff

Firm of Kiveu for the defendant