



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MERU**  
**ENVIRONMENT AND LAND DIVISION**  
**CIVIL SUIT NO. 116 OF 2016**  
**JOYCE MWARAMA M'RIMBERIA ALIAS**  
**JOYCE MWARANAI M'RIMBERIA.....PLAINTIFF**  
**VERSUS**  
**BENSON KITHURE NKUBITU.....DEFENDANT**

**J U D G M E N T**

1. The Plaintiff in his plaint dated 27th May, 2016 prays for judgment against the Defendant for:-

*a. Cancellation of the registration of L.R NO. KIIRUA/KIIRUA NKANDO/2519 in the name of the defendant and registration of the same in the name of the Plaintiff.*

*b. A permanent injunction restraining the defendant and his family members, representatives, employees, servants, agents and/or anybody else acting or claiming on his behalf from entering into , trespassing onto, cultivating, selling or offering for sale, transferring, charging, leasing, pledging or in any other way alienating or disposing of and/or whatsoever interfering with the Plaintiff's/applicant's quiet, peaceful, uninterrupted actual and exclusive possession , cultivation, user, development and enjoyment of parcel of land No. KIIRUA/KIIRUA NKANDO/2519.*

*c. Costs and interest of this suit.*

2. On 20/09/2016, the parties proffered to Court a Consent signed by their Advocates which is in the following terms:-

**“By Consent of the Plaintiff and Defendant and their Advocates, this matter be settled in the following terms:-**

**1. The orders of inhibition placed on land reference Number KIIRUA/KIIRUA NKANDO/2519 be lifted.**

**2. The Defendant do transfer into the Plaintiffs names Land Reference Number KIIRUA/KIIRUA NKANDO/2519 within the next 90 days at his own costs.**

*3. The Plaintiff do allow the Defendant to take his sand, ballast, building stones, 2 goats and 1 cow from her homestead within 90 days.*

*4. That the Defendant shall not trespass cultivate, construct or interfere with the Plaintiffs quite possession of land Reference Number KIIRUA/KIIRUA NKANDO/2519.*

*5. That each party to bear his/her costs of this suit.*

*6. That this matter be marked as settled.*

3. The Consent is adopted as an order of this Court. The suit is marked settled.

4. The parties may not come back to Court to canvass the same subject matters and issues which were the subject of this suit.

5. Parties to bear own costs.

6. It is so ordered.

**DELIVERED IN OPEN COURT AT MERU THIS 20TH DAY OF SEPTEMBER, 2016 IN THE PRESENCE OF:-**

CA: Daniel/ James

Muthomi for the Plaintiff

Kaimenyi for the Defendant

**P. M. NJOROGE**

**JUDGE**