

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BUNGOMA

CIVIL CASE NO. 102 OF 2012

ANNE NABALAYO KHAEMBAPLAINTIFF

VERSUS

EVERLYNE ASIKA.....DEFENDANT

JUDGEMENT

The plaintiff filed this suit for eviction against the defendant alleging that she is the owner of L.R. No. Kimilili/Kibingei/1359 (Later amended to read LR No. Kimilili/Kibingei/1420 including all the developments thereon. She avers that the defendant has trespassed into the said land and taken possession of the same without the consent of the plaintiff. The plaintiff therefore claims for an order of eviction against the defendant evicting her from the said land.

The plaintiff annexed title deed number Kimilili/Kibingei/1420 comprising (0.08) hectares issued to her on 9th October 2009.

The defendant was duly served On 15/5/2012 and a return of service filed in Court on 29th August 2012.

The plaint was amended on 13th July 2012. The same was served on 27th February 2014 upon M/s Chepseba a co-advocate. A hearing notice for 17th September 2014 was served on the said advocates on 18/11/2014.

During the hearing on 9/12/2014 the defendants and their advocates never attended. We have not filed a defence either.

Under the circumstances I allow the plaintiffs claim as prayed in the amended plaint with costs.

DATED at BUNGOMA this 15th day of June, 2015

S. MUKUNYA - JUDGE