

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

E & L NO. 230 OF 2013

THURANIRA KARAURI.....PLAINTIFF

VERSUS

MUTUNGA NTOIKAMA.....DEFENDANT

JUDGMENT

The plaintiff is seeking judgment against the defendant for an order of eviction and permanent injunction restraining the Defendant, his agents, servants, assigns or anybody else claiming at his instance or behest from trespassing, occupying, remaining, entering or in any other way interfering with the Plaintiff's user, enjoyment and occupation of land parcel **NO. KIAMURI "A"/1416**. He also seeks general damages for trespass, costs of this suit and interest thereon and any other or better relief that this Court may deem fit and just to grant.

An Interlocutory Judgment was entered against the defendant on 21st November, 2013. Formal proof proceedings took place on 25.3.2014. The plaintiff testified that initially he was staying in Mombasa. In 1995, the defendant invaded his parcel of Land **NO.KIAMURI "A"/1416** measuring 5 Hectares without his knowledge or permission. He produced the original title deed and asked the Court to verify its authenticity. He produced a copy thereof as an exhibit. He also produced an official search showing that he indeed owned the suit land. As the defendant, despite several notices to vacate his land, had refused to do so, he prayed for the orders he had sought in his plaint.

I find that the plaintiff has proved his case. I, therefore, grant the following orders:

- 1. An order of eviction and permanent injunction do issue restraining the Defendant, his agents, servants, assigns or anybody else claiming at his instance or behest from trespassing, occupying, remaining, entering or in any other way interfering with the plaintiff's user, enjoyment and occupation of Land Parcel No. KIAMURI "A"/1416.***
- 2. I award the plaintiff the sum of Kshs. 300,000/= as general damages for trespass.***
- 3. Costs of the suit and interest thereon are awarded to the plaintiff.***

It is so ordered.

Delivered in Open court at Meru this 19 th day of June, 2014 in the presence of:

Cc. Lilian/Daniel

Riungu for plaintiff

P. M. NJOROGE

JUDGE