



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU

ELC NO. 2 OF 2014

SILAS MARANGU MAKINYA.....PLAINTIFF

VERSUS

LIVINGSTONE KOOME BARANA.....DEFENDANT

J U D G E M E N T

This application is dated 10th July, 2014 and seeks orders that:-

- 1. This Court be pleased to enter judgment for the plaintiff against the defendant in terms of prayers (a) and (c) of the originating summons dated 3rd January, 2011.***
- 2. This court do make such further orders to give effect to the judgment so entered.***
- 3. Costs of this application be provided for.***

The application is supported by the affidavit of Silas Marangu Makinya and has the following grounds:

- 1. The defendant has admitted the plaintiff's claim in writing.***
- 2. It is only fair and just that judgment be entered for the plaintiff against the defendant.***

When this application was heard inter partes on 30.9.2014, the defendant told the Court that he was not opposed to the application. In the circumstances, I enter judgment for the plaintiff against the defendant in the following terms:

- 1. It is hereby declared that the plaintiff has become entitled under section 38 of the Limitation of Action Act (Cap 22 Laws of Kenya) to be registered as a proprietor by adverse possession in lieu of the present registered proprietor of all the parcel of land known as L. R. No. Ntima/Igoki/300 on which the plaintiff has been in peaceful, undisturbed and uninterrupted possession and occupation since the year 1987.***
- 2. Costs are awarded to the plaintiff.***

It is so ordered

Delivered in Open Court at Meru this 30th day of October, 2014 in the presence of.

Cc. Gatari Ringera for plaintiff

Livingstone Koome - defendant

P. M. NJOROGI

JUDGE