



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**IN THE ENVIRONMENT & LAND COURT OF KENYA**

**AT BUNGOMA**

**CIVIL CASE NO. 102 OF 2012**

**ANNE NABALAYO KHAEMBA ..... PLAINTIFF**

**VERSUS**

**EVERLYE ASIKA ..... DEFENDANT**

**JUDGMENT**

[1]. The plaintiff filed this suit for eviction against the defendant alleging that she is the owner of L.R. No. Kimilili/Kibingei/359 (later amended to read L.R 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 9<sup>th</sup> October 2009.

[2]. The defendant was duly served on 15<sup>th</sup> May 2012 and a return of service filed in court on 29<sup>th</sup> August 2012. The plaint was amended on 13<sup>th</sup> July 2012. The same was served on 27<sup>th</sup> February 2014 upon M/s Chepseba & Co. Advocates. A hearing notice for 17<sup>th</sup> September 2014 was served on the said advocates on 18<sup>th</sup> November 2014.

[3]. During the hearing on 9<sup>th</sup> December 2014, the defendants and their advocates never attended. They have not filed a defence either.

[4]. Under the circumstances I allow the plaintiff's claim as prayed in the amended plaint with costs.

Dated and delivered this 18th day of December 2014.

**S. MUKUNYA**

**JUDGE.**