

REPUBLIC OF KENYA

High Court at Bungoma

Civil Case 108 of 2010

NATHAN BARASA WATILA PLAINTIFF

VERSUS

WEKESA SANGURA

ALEX BARASA

GEOFFREY

WANYONYI DEFENDANTS

JUDGMENT

The plaintiff filed his claim in court on 25th October 2010 seeking orders of permanent injunction against the defendants and eviction orders.

The matter proceeded to hearing before me on 11th February 2013. There were no papers filed by the defendants to challenge the plaintiff's suit. The plaintiff obtained interlocutory judgment on 24th November 2010.

The request for interlocutory judgment was accompanied with an affidavit of service. The affidavit of service was filed on 22nd November 2010 and it indicated the defendants were served on 2nd November 2010.

During the trial, the plaintiff produced documents to explain how he acquired the suit parcel of land. He produced a sale agreement, letters of consent to sub-divide and to transfer land, signed transfer form and title deed issued in his names. The plaintiff adduced evidence that he paid fully for the land and proceeded to get himself a title deed after following the laid down process. This court finds the plaintiff followed the law in acquiring the title deed of the land parcel **E. Bukusu/N. Nalondo/2218** and therefore entitled to enjoy fully the rights conferred to him by law as registered owner of land.

The plaintiff's case is therefore allowed. The defendants are given Ninety (90) days within which to voluntarily vacate the suit land. In default, the plaintiff be at liberty to evict the defendants. Thereafter a permanent injunction be and is hereby issued restraining the defendants jointly and severally by themselves or persons claiming through them from interfering with the plaintiffs peaceful user and enjoyment of land parcel **E. Bukusu/N. Nalondo/2218**.

I make no orders as to costs.

JUDGMENT DATED, SIGNED, READ AND DELIVERED in open court this 28th day of MARCH 2013

A. OMOLLO

JUDGE.

