

REPUBLIC OF KENYA

High Court at Nakuru

Environmental & Land Case 119 of 2012

DELAMERE ESTATE LTD.....PLAINTIFF

VERSUS

NDUNGU NJAI & 42 OTHERS.....DEFENDANTS

AND

QUADCO EIGHTY FIVE LIMITED.....APPLICANT

RULING

In this matter judgment was delivered by Musinga J. on 14/2/2006 that the Defendants had no right to adverse possession and were therefore trespassers. They were to vacate the Land within 10 days or be evicted.

I have noted from the application dated 3rd October 2012 that the plaintiff has written a letter dated 25th May 2012 authorizing Quadco Eight five Limited and assigning then rights to the decree granted in the above mentioned suit.

It is however not possible to assign a decree to another party. What the plaintiff should do even if they have since sold the land is to apply to court for eviction orders against the Defendants. This cannot be done by the new purchasers.

Dated and delivered this 15th Day of March 2013.

L N WAITHAKA

JUDGE

Present

Mr Aboge for Applicants
N/A for Defendants.

L N WAITHAKA

JUDGE