



**REPUBLIC OF KENYA**

**High Court at Mombasa**

**Civil Suit 124 of 2012**

**JUMA ABDALLA VITU ..... PLAINTIFF'S**

**- V E R S U S -**

**KWALE WATER AND SEWERAGE CO. LTD. .... DEFENDANT**

**JUDGEMENT**

The Plaintiff in this case filed suit against the Defendant claiming Kshs. 6000 per month from 1976 to date being the cost of the Defendant's use of his land from 1976 to date.

He filed this suit as a pauper having been granted leave by the Court to do so. He fixed this case down for hearing on 26th February 2013. Unfortunately when he came to Court there was no Return of Service. The Court ordered him to refile the case down for hearing and serve a Hearing Notice on the Defendants. The case was fixed for hearing on 16th May 2013.

He served a Hearing Notice on the Defendants on 28th February 2013 for hearing of the case on 16th May 2013.

On 16th May 2013 there was no appearance for the Defendant and the Plaintiff gave evidence and formally proved his case.

I have therefore no hesitation of granting the Plaintiff judgment as prayed at Kshs. 6000 per year from 1976 to date as prayed in the Plaintiff's. He shall also have the costs of the suit and interest.

It is so ordered.

**Dated and delivered in open Court at Mombasa this 23rd day May, 2013.**

**S.N. MUKUNYA  
JUDGE  
23.5.2013**

In the presence of:

Plaintiff in person.

Non appearance for the defendant.