



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**ELC CASE NO. 35 OF 2012**

**M'IKUNYUA MWONGERA.....PLAINTIFF**

**VERSUS**

**NJERI WA CHEGE.....1ST DEFENDANT**

**JOHN KIMANI CHEGE.....2ND DEFENDANT**

**RICHARD KAMAU CHEGE.....3RD DEFENDANT**

**WANJIRU CHEGE.....4TH DEFENDANT**

**JUDGEMENT**

In this suit, an Interlocutory Judgment was entered for the plaintiff on 20th September, 2012.

Formal proof hearing was conducted on 26.6.2013.

The plaintiff in his evidence said that his land parcel No. NYAKI/KITHOKA/1697 bordered the land owned by the father of the second, third and fourth defendants. The first defendant is the wife of the owner of the land and mother of the second, third and fourth defendants. During the rainy season there is a seasonal river that changes course and enters the plaintiff's parcel of land. As a result, the defendants, after the rains, change the boundaries of the two parcels of land and encroach upon the plaintiff's land parcel Number **NYAKI/KITHOKA/1697**.

The plaintiff produced the original Title Deed of Land Parcel Number **NYAKI/KITHOKA/1697** as proof of ownership.

The plaintiff asked the Court for judgment against the defendants jointly and severally for an injunction to refrain the defendants from wasting or in any other manner interfering with his land and for an order for the Land Registrar to visit Land Parcels Nos. **NYAKI/KITHOKA/1697** and **1671** and to fix the beacons. He also asked the court to award him damages.

I find that the plaintiff has formally proved his case. I issue the following orders:

**(a) An order of permanent injunction restraining the defendants, their agents, servants and/or employees from entering, cutting down the plaintiff's trees, committing any acts of waste, or in any other manner interfering with the plaintiff's land parcel No. NYAKI/KITHOKA/1697.**

**(b) An order for the Land register Imenti North District to visit Land Parcels Nos. NYAKI/KITHOKA/1697 AND NYAKI/KITHOKA/1671 and affix the beacons.**

I award costs to the plaintiff.

**Delivered and Signed in Open Court at Meru this 26th day of June, 2013 in the presence of :**

Cc Mwonjaru

Cc Daniel

V. P. Gituma for plaintiff

**P. M. NJOROGE**

**JUDGE**