



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU E&L NO.135 OF 2012

EUNICE NCABIRA ITHINJIPLAINTIFF

VS

MORRIS KIRUGI.....1ST DEFENDANTS/RESPONDENT

KAGWIRIA KIRUGI.....2ND DEFENDANT/RESPONDENT

JUDGMENT

The suit herein was filed in court by way of plaint. The plaintiff prays for judgment against the defendants in the following manner.

1. An order of eviction of the defendants, their families and/or agents from L.R NO. NKUENE NKUMARI/1596.

2. Costs of the

suit.

An interlocutory judgment dated 22nd July, 2013 was entered against the defendants. The formal proof hearing took place on 7/8/2013.

The plaintiff gave evidence that she bought land parcel NO. NKUENE/NKUMARI/1596 but the defendants trespassed upon it in August 2012 and constructed a temporary mud house. They started cultivating the suit land but stopped. They are, however, living in the mud house.

The plaintiff produced a copy of the green card relating to the suit land which clearly shows that the land is registered in the name of **EUNICE NCABIRA ITHIJI**, herself. She produced a letter from her advocate dated 3/8/2012 which required the defendants to vacate the suit land. She gave evidence that they did not heed the demand contained in the said letter.

I am satisfied that the plaintiff is the owner of the suit land and that she has proved her case.

In the circumstances, I grant the prayers sought by the plaintiff in her plaint dated 16th October, 2012 as follows.

- 1. An order of eviction do issue against the defendants **MORRIS KIRUGI** and **KAGWIRIA KIRUGI**, their families and/or agents from **L.R NKUENE/NKUMARI/1596**.**
- 2. The eviction order be executed by the **OCS** for the area in which the suit land is situated.**
- 3. Costs are awarded to the plaintiff against the defendants.**

It is so ordered.

Written, Delivered and Signed in open Court at Meru this 7th day of August 2013 in the presence of:

Court clerk; Daniel

E. Ogoti holding brief for Kimathi Kiara for plaintiff

Plaintiff present.

P. M. NJORGE

JUDGE