



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERUGOYA

ELC CASE NO. 806 OF 2013

MIRIAMU NJOKA NJERU PLAINTIFF

VERSUS

JOHNSTONE NJERU MURINGIH DEFENDANT

RULING

This is in respect to the plaintiff/applicant's Notice of Motion dated 22nd November, 2013 seeking the orders set out therein. The same is supported by the applicant's supporting affidavit sworn on the same date claiming, inter alia, that although the suit land KYENI/KIGUMO/3793 was registered in the names of defendant/respondent who is plaintiff/applicant's son, the said land was actually ancestral land belonging to one M'Kiende Kaviro who is father to applicant's father in law and which land was transmitted to applicant's husband and which land ought therefore to have reverted to the plaintiff/applicant following the death of her husband. The plaintiff/applicant in her pleadings has averred that defendant/respondent has fraudulently transferred the land to himself without the knowledge of the family members and engaged the Kenya Power and Lighting Company over a project involving the dispute land.

The respondent though served, did not file any reply to the application. It is therefore unopposed.

I have considered the application and the oral submissions by counsel. It is stated that the defendant/respondent has gone to the extent of demolishing the plaintiff/applicant's house thus rendering her destitute. If that is true, and it has not been denied, it is infact a criminal act. In my view, having considered the plaintiff/applicant's un-controverted affidavit and other annextures, I am satisfied that she is entitled to the orders sought in her Notice of Motion dated 22nd November 2013 which I grant save that at this stage, I would be reluctant to involve the Police in this matter but an appropriate application may be brought should that be necessary. I therefore grant orders as prayed in paragraph 2, 3 and 4 of the said Notice of Motion.

Costs in the cause.

B.N. OLAO

JUDGE

10TH DECEMBER, 2013

10/12/2013

Coram

B.N. Olao

CC – Muriithi

Mr. Mungai for Applicant present

No appearance for Respondent

COURT: Ruling delivered this 10th day of December 2013 in open Court.

Mr. Mungai for Applicant present.

B.N. OLAO

JUDGE

10TH DECEMBER, 2013