

REPUBLIC OF KENYA

IN THE HIGH COURT

AT EMBU

Civil Case 95 of 2010

ROBERT MBUTHIA NJERU PLAINTIFF

VERSUS

NGARI NJERU DEFENDANT

C O U R T

I have perused the record of Land Disputes Tribunal – Mbeere Land Disputes Tribunal No.33 of 1998, and Resident Magistrate’s Court LDT NO.11/02 (Siakago). The issue therein which is the issue here is a pure boundary dispute.

The parties herein have distinct title deeds, and the Tribunal at the Siakago Court ordered them to invite a Government Surveyor and the Land Registrar to the disputed land to put the boundary in place. There is no evidence that they have done so. A multiplicity of cases will not assist the Plaintiff if he does not comply with Court orders. I therefore direct the District Land Registrar plus Land Surveyor (Mbeere) to visit the 2 parcels in issue i.e. EVURORI/THAMBU/1527 and EVURORI/THAMBU/918, mark the boundary and file a report before this Court.

The report should clearly indicate who between the two parties is trespassing on the other’s land.

Both the parties to share (equally) the costs by the two Government officers.

The parties are given 45 days within which to comply. Mention on 30/7/2012 for further orders.

DATED, SIGNED AND DELIVERED AT EMBU THIS 6TH DAY OF JUNE 2012.

**H.I. ONG’UDI
JUDGE**

**In the presence of;
Both parties
C/c - Njue**