



**REPUBLIC OF KENYA**

**High Court at Nyeri**

**Civil Appeal 154 of 2002**

**MARY MURUGI.....APPELLANT**

**VERSUS**

**ELIZABETH WANGARI KIRAGU.....RESPONDENT**

**RULING**

The application before court is dated 11th April 2012. The applicant is in person. The application is supported by the applicant's own affidavit. The respondent was served but did not turn up for hearing. The affidavit of service was filed on 27th October 2012.

The application is for an order of eviction of one Elizabeth Wangari Kiragu from Chinga Gikigie/646 and that the eviction be carried out by Hippo General Merchants Bailiffs. Moreover that the officer in charge Othaya Police Station do provide security.

The application is grounded on the judgment of the High Court delivered on 26th March 2004. Despite the court holding that the land parcels Chinga/Gikigie/646 and Chinga/Gikigie/664 vests in the name of the appellant to hold in trust for herself and her child the respondent still resides on the parcel of land being Chinga/Gikigie/646.

In the affidavit sworn on the 11th day of April 2012 the appellant/applicant depones that no appeal has been preferred against the judgment of the court dated 26th March 2004. Moreover, the appellant/applicant has been issued with a title deed showing that she is the registered proprietor of the parcel of land.

The Respondent was served with the notice of motion, affidavit and annexures therein but has not bothered to respond.

The applicant having been registered the absolute proprietor of the land comprised in title No.Chinga/Gikigie/646 measuring approximately 0.49 Ha, subject to the entries in the register relating to the land and to such overriding interests, is entitled to the orders sought in the notice of motion. However, this being an emotive land matter I do issue a condition eviction order in the following terms.

- (a) That the respondent be given a two month Notice to vacate from Chinga/Gikigie/646.**
- (b) That failure thereof the respondent be evicted from the said parcel of land by registered court bailiff.**
- (c) That the officer in charge Othaya police station to provide security.**

These are the orders of the court.

**Dated, signed and delivered this 28th day of November 2012.**

**A. OMBWAYO**

**JUDGE**