



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT KISUMU

CIVIL CASE NO. 79 OF 2010

YUNIA AUMA AMOLO.....PLAINTIFF
VERSUS
DORINE DOROTHY AMOLO.....DEFENDANT

RULING

The plaintiff brings this application against the defendant seeking among others temporary orders of injunction to restrain the defendant from cultivating on land parcel No. Kabondo East/1209.

The said application is dated 31-5-2010. The issues herein are fairly straight forward. Both the plaintiff and the defendant are the widows of the late Wellington Amolloh Sigu who passed on, on 4-3-1978. Both parties sought out letters of administration vide Kisumu HCC No. 954/2004 and the same were confirmed.

Title No. Kabondo/Kodhoch East/735 was to be divided into two equal parts between the plaintiff and the defendant as per the grant which was confirmed on 10-3-2006. Accordingly the land was divided and the plaintiff obtained land parcel No. Kabondo/Kodhoch East/1209 and the defendant land parcel No. Kabondo/Kodhoch East/1210.

The plaintiff contention is that the defendant has interfered with her peaceful occupation of the suit land by among other things using police officers to harass her. She has exhibited some police summons.

The defendant contends that the plaintiff has taken the larger part of the land and that the same ought to have been shared equally as per the confirmed grant.

I have read the application together with the sworn affidavits, summons and the attendant authorities by the litigants herein I am of the considered opinion that the plaintiff/applicants application be allowed and temporary injunction be issued as prayed.

The allegation of fraud alleged by the defendant and in particular the forgery of her signatures can be raised during the trial and in any event she should pursue it with the criminal arm of the law. In the event that the plaintiff's portion is big as claimed by the defendant, the District Survey office should be contacted to verify. The defendant stand to suffer no loss as she is enjoying the use of her portion in any event.

Prayer 3 of the plaintiff's chamber summons dated 31-5-2010 is allowed with costs. The issues raised by the defendant in regard to the rest of the titles are not relevant for now as I have been confined to the two parcels of land only.
Orders accordingly.

Dated, signed and delivered at Kisumu this 26th day of October, 2011.

**H. K. CHEMITEI
JUDGE**

HKC/va