



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT KISII**

**Civil Case 52 of 2007**

**MICHAEL OTIENO MIRUWE.....PLAINTIFF**

**-VERSUS-**

**GEORGE OCHIENG OGONY.....DEFENDANT**

**JUDGMENT**

The plaintiff is the registered owner of land parcel L.R.Suna West/Wasimbete/1304 as shown by copy of Title Deed (exhibit 1) and Certificate of Official Search (exhibit 2). His case is that since 2007 the defendant has entered upon the land, planted a sisal fence and begun to cultivate thereon claiming he owned it. This, he did, without the authority of the plaintiff.

When the suit was filed on 17/5/2007 papers were served on the defendant but did not elicit any response. Temporary injunction was issued on 11/6/2007 and interlocutory judgment on 29/6/2007.

On this uncontroverted evidence, I find the plaintiff has made a case against the defendant and judgment is entered in his favour. Orders of eviction and permanent injunction are hereby issued against the defendant. Costs shall follow the event.

Dated, signed and delivered at Kisii this 20<sup>th</sup> day of January, 2010.

**A.O.MUCHELULE**

**JUDGE**

**20/1/2010**

Before A.O.Muchelule-J  
Court clerk-Bibu  
Mr. Oguttu for Mr. Kwanga for Plaintiff

**COURT:** Judgment in open Court.

**A.O.MUCHELULE**

**JUDGE**

**20/1/2010**