



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
Civil Case 319 of 2009

KENNETH KIMARI KAHURA.....PLAINTIFF

VERSUS

JAMES MAINA.....1ST DEFENDANT

JEDIDA KAGAL.....2ND DEFENDANT

JUDGMENT

The plaintiff is the registered proprietor of all that piece of land situate in Nakuru and known as Title Number Nakuru Municipality Block 5/294. He claims in his plaint that despite demand made to the defendants, who are not his tenants and are occupying the land without his authority, the defendants have refused to vacate. He therefore prays for an order to evict them and the costs of this suit.

Though served, the defendants have not entered appearance or filed any defence. After obtaining interlocutory judgment the plaintiff fixed the case for formal proof.

In his testimony, he produced copies of the Title Deed and a Certificate of Official Search showing that the land is indeed registered in his name. He said that when he bought the land in March 2009 the previous owner told him that the defendants were not paying any rent for their occupation. He therefore prayed for their eviction and costs of this suit.

From the uncontroverted testimony of the plaintiff and the copies of the Title Deed as well as the Certificate of the Official Search which he produced, I am satisfied that the plaintiff is the registered proprietor of the suit piece of land. I am also satisfied that the defendants are occupying it without his authority. Consequently I grant the plaintiff an order to evict the defendants from the suit piece of land. The defendants having not contested this suit I make no order as to costs.

DATED and delivered this 16th day of February, 2010.

D. K. MARAGA

JUDGE.