

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MACHAKOS Civil Case 63 of 2003

**1. GRACE MUMBUA MATILU
2. TITUS MUSEMBI
MATILU.....PLAINTIFFS
VERSUS
1. GEORGE NOAH KIVUVO
2. NZIOKA KING'OLI
3. NZIOKA KINYAKA (KINAMA ALIAS NZIOKA
KIETI.....DEFENDANTS**

JUDGMENT

1. Grace Mumbua Matilu and Titus Matilu are the registered proprietors of land parcel no. Kangundo/Mbusyani/1684. They were registered as such on 16.1.2002 and a title deed issued on 6.2.2002. By their Amended Complaint dated 6.2.2004, they seek orders inter-alia that the Defendants be evicted from that parcel of land as they have no lawful claim to it and damages for non-user be awarded plus costs of the suit.
2. I see no response to the suit although the Defendants were properly served to attend the hearing on 21.10.2009.
3. Having heard the 1st Plaintiff in evidence and having seen P. exhibit 1(title deed) and P. exhibit. 2 (certificate of official search) the Plaintiffs are the lawfully registered proprietors of the suit land and I see no lawfully enforceable claim by the Defendants.
4. I have therefore no alternative but to grant prayer (1) of the amended Complaint but will dismiss prayer (ii) as no evidence in that regard was tendered.
5. Since the Defendants did not appear, I will make no order as to costs.
6. Orders accordingly.

Dated and delivered at Machakos this 11th day of February 2010.

Isaac Lenaola

Judge

In the presence of; Mr. Mutia h/b for Mr. Getange for Plaintiff

No appearance for Defendant

Isaac Lenaola

Judge