

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)

Civil Case 1385 of 2000

PETER NGARUIYA MBUGUA PLAINTIFF

VERSUS

JAMES MUGO NJERU DEFENDANT

JUDGMENT

The plaintiff is the registered proprietor of a parcel of land Title No. Tigoni/Tigoni Block 1/506. It is his case that the defendant has unlawfully and without his permission trespassed thereon and built two huts. The plaintiff has demanded that the defendant vacates but the defendant has refused.

The defendant was served with summons to enter appearance but he did not comply. Thereafter the plaintiff applied to proceed by way of formal proof. Subsequently a firm of advocates known as L. K. Karori & Co. Advocates filed a Notice of Appointment but all notices addressed to this firm of advocates by the plaintiff's advocates were not answered. This case was then listed for formal proof.

The plaintiff gave evidence in support of his pleadings. He produced a certificate of official search to confirm that the land is registered in his name. He also produced a letter of demand addressed to the defendant requiring him to vacate his land but the defendant did not comply.

There being no defence on record, the plaintiff's evidence remains uncontroverted. He has proved his case in line with his pleadings and he is entitled to the orders sought in his plaint.

Accordingly, I give judgment in favour of the plaintiff against the defendant and order that the defendant shall be evicted from the plaintiff's land Title No. Tigoni/Tigoni Block 1/506 together with all developments thereon as demonstrated by the plaintiff.

The plaintiff shall also have the costs of this suit.

Orders accordingly.

Dated, signed and delivered at Nairobi this 12th day of March, 2010.

A. MBOGHOLI MSAGHA
JUDGE