

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Environmental & Land Case 517 of 2009

JOHN NJUGUNA NDUATIPLAINTIFF
VERSUS
ANASTASIA NDUTA NGANGA.....DEFENDANT

JUDGMENT

At the centre of these proceedings is a parcel of land known as L.R. No. Dagoretti/Ruthimitu/950 previously registered in the name of the late Peter Nganga Kagundu.

The plaintiff herein is said to have purchased the said suit property at a public auction and subsequently registered as the proprietor thereof. The defendant is the widow of the late Peter Nganga Kagundu against whom the plaintiff brought the action for an order of eviction from the said parcel of land.

The defendant was served with summons to enter appearance but did not comply. At the instance of the plaintiff an interlocutory judgment was entered and the suit set down for formal proof.

The plaintiff gave evidence in support of his pleadings. In brief, the land was advertised for sale in the Daily Nation newspaper by Dolphin Auctioneers. The plaintiff attended the public auction and bid emerging the highest bidder at KShs.1.2 Million. He paid the total sum and the land was subsequently registered in his name. He produced documentary evidence of the payments, the receipts, the agreement for sale and the copy of the title resting with the certificate of search confirming the particulars of registration.

The defendant has been living on the suit property and despite demand to vacate, she has failed, neglected and or refused to vacate. A demand letter to that effect was produced in evidence.

The evidence adduced by the plaintiff is straightforward and stands uncontroverted. I also watched his demeanour in court and believe what he told the court was the truth. He has proved his case against the defendant.

Accordingly I enter judgment in favour of the plaintiff against the defendant as prayed in the plaint plus costs of the suit.

Orders accordingly.

Dated, signed and delivered at Nairobi this 28th day of April, 2010.

A. MBOGHOLI MSAGHA
JUDGE