

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

Civil Case 247 of 2009

ELIZABETH NYAMBURA MBUGUAPLAINTIFF

V E R S U S

EBRAHIM GITAUDEFENDANT

J U D G M E N T

When the Defendant was served and did not respond, interlocutory judgment was entered for the Plaintiff. The Plaintiff has power of attorney donated to her by her old and sickly husband JAMES MBUGUA MURIITHI who has lived with her on parcel No. KABETE/LOWER KABETE/T206 since 1960 when he bought it from the Defendant. The Defendant did not formally transfer the land to him. The couple has had about 50 years of continuous, uninterrupted and exclusive possession and use of the land. It is determined that they have since become entitled to it by way of adverse possession under **Section 38 of the Limitation of Actions Act**. The rights of the Defendant have become extinguished. The Plaintiff shall be registered proprietor of the land and the deputy registrar is hereby empowered to sign all papers to effect this transfer. Costs shall follow the event.

DATED AND DELIVERED IN NAIROBI THIS 26TH APRIL 2010

A. O. MUCHELULE
J U D G E