



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KISII**

**Civil Suit 77 of 2006**

**JOHN ARUM OBUDO.....PLAINTIFF**

**VERSUS**

**DICKSON OOWITI OBUDO.....DEFENDANT**

**JUDGMENT**

The plaintiff is the registered owner of land parcel No. **West Kasipul/Konuonga/154** measuring approximately 4.8 hectares, hereinafter referred to as **“the suit land”**. He claimed that he allowed the defendant who is his younger brother, to live in his home when he was a young boy after their father died. That was way back in 1980. In 2006 the defendant started interfering with the suit land.

The plaintiff withdrew the consent which he had given to the defendant and requested him to vacate the suit land but the defendant refused. The defendant has his own parcel of land known as **West Kasipul/Kanuonga/152**. The plaintiff produced a certificate of official search in proof thereof.

When the plaintiff reported the matter to the local elders, a meeting was convened and the defendant was ordered to move out of the suit land but he refused and/or failed to do so. The plaintiff urged the court to issue an eviction order against the defendant.

Although the defendant had filed a statement of defence and counterclaim and denied the plaintiff’s claim, the same was struck out vide a ruling delivered by Gacheche, J. on 11<sup>th</sup> October, 2007. I am satisfied that the plaintiff has proved his case on a balance of probabilities and I order that the defendant be evicted from the suit land forthwith. The plaintiff shall have the costs of the suit.

**DATED, SIGNED AND DELIVERED AT KISII THIS 29<sup>TH</sup> DAY OF JUNE, 2010.**

**D. MUSINGA**  
**JUDGE.**  
**29/6/2010**

Before D. Musinga, J.

Mobisa – cc

Mr. Ochwangi for the Plaintiff

**Court:** Judgment delivered in open court on 29<sup>th</sup> June, 2010.

**D. MUSINGA**  
**JUDGE.**