



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII
CIVIL CASE NO. 130 OF 2010

ELIDA AOKO OPIYO PLAINTIFF/APPLICANT
VERSUS

RICHARD OKACH MIGAWO 1ST DEFENDANT/RESPONDENT

JOHN ARENDE MIGAWO 2ND DEFENDANT/RESPONDENT

SAMWEL ODOYO MIGAWO 3RD DEFENDANT/RESPONDENT

RULING

The plaintiff's application seeking a temporary injunction to restrain the defendants from trespassing onto her parcel of land known as **Kamagambo/Kabuoro/4633** pending hearing and determination of this suit was served upon the defendants on 14th May, 2010.

The 1st and 3rd defendants entered appearance through Odero Osiemo & Co. Advocates and Khan & Associates Advocates respectively. However, neither grounds of opposition nor replying affidavits were filed by any of the defendants.

When the plaintiff's application came up for hearing on 8th July, 2010 none of the defendants nor their advocates attended. The plaintiff's application was therefore unopposed.

Having carefully perused the plaintiff's application, I am satisfied that she is the registered proprietor of **L.R. NO. KAMAGAMBO/KABUORO/4633**. She has demonstrated that the defendants are unlawfully interfering with her aforesaid property and consequently I grant the orders as sought. The defendants shall bear the costs of this application.

DATED, SIGNED AND DELIVERED AT KISII THIS 29TH DAY OF JULY, 2010

D. MUSINGA

JUDGE.

29/7/2010

Before D. Musinga, J.

Mobisa – cc

Mr. Oguttu for the Plaintiff

N/A for the Defendant

Court: Ruling delivered in open court on 29th July, 2010.

D. MUSINGA

JUDGE.