



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
CIVIL CASE NO. 261 OF 2009
PETER NJAU WAWERU.....PLAINTIFF
VERSUS
PRISCILLA NDUTA WAWERU.....DEFENDANT**

JUDGMENT

By a plaint dated 11th September 2009, Peter Njau Waweru sought the following orders against Priscilla Nduta Waweru:-

- (a) A declaration that the defendant is a trespasser in Plot No. **DUNDORI/LANET BLOCK 5/2346** (New Gakoe).
- (b) An order for eviction of the defendant from **DUNDORI/LANET BLOCK 5/2346** (New Gakoe).
- (c) Costs of this suit.

Interlocutory judgment was entered herein on 15th October 2009, after the defendant failed to enter appearance or file a defence. The matter proceeded to formal proof. The plaintiff called two other witnesses who are PW2, William Gitau, PW3 Samuel Kariuki Waweru who claim to be the brothers of both the plaintiff and the defendant. The plaintiff has testified that the land in issue was allotted to him vide copy of allotment letter dated 10th August 1996 (PEXh.1). He was later issued with a title deed dated 19th May 2005 (PEXh.2). He did a search on 26th October 2009 which confirms that the land is still registered in his name as the absolute owner (PEXh.3). He also produced the receipts in which he paid rates to County Council of Nakuru, the latest being for 18th October 2010 (PEXh.4). He testified that he allowed his sister Priscilla into the land to occupy it temporarily as he was not ready to develop it about three years ago. However, when he asked her to leave, she has refused to vacate the land. The matter was reported to the Chief of the area but Priscilla has refused to vacate the land. His evidence was corroborated by that of PW2 and PW3.

I am satisfied from the evidence of Peter Waweru, PW2 and PW3 that the land belongs to Peter Waweru and he is entitled to vacant possession. I therefore grant the declaration that Priscilla is a trespasser on the said land and I hereby issue an order of eviction as prayed. Priscilla to bear the costs of this suit.

DATED and DELIVERED this 1st day of November, 2010.

**R. P. V. WENDOH
JUDGE**

PRESENT:

Kennedy: Court Clerk
Peter Waweru in person.