



REPUBLIC OF KENYA



**Ole Kepury v Dema (Environment & Land Case E60 of 2021)
[2022] KEELC 14471 (KLR) (31 October 2022) (Ruling)**

Neutral citation: [2022] KEELC 14471 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT & LAND CASE E60 OF 2021
MN GICHERU, J
OCTOBER 31, 2022**

BETWEEN

JACOB LETIA OLE KEPURY PLAINTIFF

AND

ENKOI LELOI DEMA DEFENDANT

RULING

1. This ruling is on the notice of motion dated 6/9/2021. The said motion is brought under Section 1A and 63 of the *Civil Procedure Act*, Order 40, Rules 1, 2 and 4 of the *Civil Procedure Rules 2010* and all other enabling provision of the law.
2. The main prayer in the application is that the Respondent, his agents, servants, employees and/or nominees be restrained by an order of injunction from encroaching, erecting structures, trespassing on or in any way interfering with the Plaintiff's L.R. No. Kajiado/Osilalei/77, suit land.
3. The application is supported by six grounds and an affidavit the gist of which is as follows. The Plaintiff is the registered owner of the suit land. He has not allowed the Respondent Enkoi Leloi Dema to occupy the land.

The Defendant has nonetheless encroached on the Plaintiff's land and occupied part of it. The Plaintiff has attempted to evict the Defendant to no avail. Instead, the Defendant has threatened the Plaintiff if he dares to reclaim his property.

It is for the above reasons that he has filed this suit and the current application.

4. Annexed to the supporting affidavit is a copy of the title deed for the suit land. Even though it is deposed that a copy of the certificate of official search was also annexed, this record shows otherwise as there is no such document.



5. There is an affidavit of service dated October 3, 2022 in which the deponent says that he served the Respondent with a hearing notice on 14/9/2022 at Bissil.

The application is unopposed because the Defendant did not file a replying affidavit or any other pleading.

6. Since the notice of motion is unopposed and it has merit, I allow it in terms of prayer (c).

Costs in the cause.

DATED SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 31ST DAY OF OCTOBER, 2022.

M.N. GICHERU

JUDGE

