



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT EMBU**  
**Civil Suit 79 of 2007**

**CHARITY WAMBOGO BENSON.....PLAINTIFF**

**VERSUS**

**LOISE GICUKU KIBARU.....DEFENDANT**

**RULING**

The plaintiff claims orders for the eviction of Defendant from premises on plot No. 222 Runyenjes and a permanent injunction plus costs of suit. The defendant pleads that the property is jointly owned by the husbands of both parties and that in Succession Suit No. 6 of 1998 Josephine Martha Kibaru and Loise Njura Kibaru were granted husbands share in plot No. 222 Runyenjes Municipality. The plot is certified by Town Clerk of Runyenjes Municipality to belong to:-

1. Benson Mavula Kabele
2. Kibaru Runyenje

I have perused the Notice of Motion dated 27/7/2007 prayer 1 is already granted. Regarding prayer 2 the Applicant have demonstrated that they have proprietary interest in the disputed premises and therefore have shown a prima facie case with chances of success.

In the circumstances, orders are granted in terms of prayer 2. Costs shall be in the cause.

It is so ordered.

Dated this 14<sup>th</sup> February, 2008.

**J. N. KHAMINWA**

**JUDGE**

**14/2/2008**

**Khaminwa – Judge**

**Njue – Clerk**

**Mr. Utuku**

**Ms Fatuma HB for Kathungu**

**Parties present**

Read in open court.

**J. N. KHAMINWA**

**JUDGE**