

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Civil Case 286 of 2005

JOAN NYAKABI NDUNGU PLAINTIFF

VERSUS

STANLEY MUTIMU NJOGU)

GEORGE WANYOIKE)DEFENDANTS

JUDGMENT

The Plaintiff after filing this suit obtained an interlocutory judgment due to failure of the Defendant to file an appearance. The said judgment was made on 17th July, 2006.

Thereafter, the matter came up for hearing by way of formal proof.

The Plaintiff gave evidence and reiterated that she is the registered proprietor of the suit land i.e. Title number Ruiru East Block 5/66/ The Title Deed dated 12th January, 1988 was produced in evidence. The Plaintiff also produced certificate of search dated 30th March, 2003 which also showed the Plaintiff as an Absolute proprietor of the suit land.

However, when a green card of the suit property showed that on 20th July, 1997 the property was transferred to one Stanley Mutimu, the present suit was filed. The Plaintiff averred that the said person is totally unknown and that no sale or transfer of suit property was ever executed.

I do not have any reason not to accept the uncontroverted evidence of the Plaintiff with documentary evidence. I do believe the evidence and find that the Plaintiff has, on balance of probability, proved the ownership of property bearing Title No.Ruiru/Ruiru East Block 5/66.

I thus allow the Plaintiff as prayed as per prayer numbers (i) and (ii) thereof.

Orders accordingly.

Dated and signed at Nairobi this 4th day of March, 2008.

K.H. RAWAL

JUDGE

4.3.08