

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

CIVIL CASE NO. 112 OF 2004

DOROTHY MUMBUA KATUU PLAINTIFF

VERSUS

KAMENE SYOVILI DEFENDANT

JUDGMENT

1. By her plaint filed on 5/10/2004, the Plaintiff sued the Defendant seeks a declaration that she is the proprietor of title No. Nzau/Ikangavya/557 and that the Defendant be evicted therefrom. She also wants an injunction to permanently restrain the Defendant from interfering with her quiet possession. Costs and interest thereon are also sought.
2. I heard PW1, the Plaintiff and she has produced the title document for the suit land. She is the first registered proprietor thereof and her title is indefeasible by dint of section 27 and section 28 of the Registered Land.
3. The Defendant was served with summons but failed to enter appearance or file a defence. Whatever claim she may have to the land cannot therefore be determined by this court.
4. Since the Plaintiff has proved that she is the lawful owner of the suit land, this court can only but grant her prayers.
5. Accordingly judgment is entered in terms of prayers (a), (b), (c), (c) and (e) of the Plaint dated 16/8/2004 and filed on 5/10/2004.
6. Orders accordingly.

Dated and delivered at Machakos this **29th** day of **May** 2008.

ISAAC LENAOLA

JUDGE