REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA
AT NYERI

Civil Case 33 of 2008

STEPHEN NDEI WACHIRA ……..……
PLAINTIFF

Versus

LUCY WAKARIMA NGAMBUCHA…..……...
…..DEFENDANT

JUDGMENT

The plaintiff filed this case against the defendant seeking the eviction of the defendant from land reference number **Nyeri/Endarasha/1678.** Further the plaintiff sought for general damages arising from the defendant trespass on that land. The defendant was served with the plaint and summons but failed to enter an appearance within the prescribed period. Judgement was therefore entered for the plaintiff and this matter came before me for formal proof. The plaintiff in evidence stated that he is the owner of the suit property and in that respect exhibited a certificate of official search. That search shows he was registered as proprietor of that property on 3rd October 2005. He stated that the defendant entered his land without his consent and despite numerous notices to vacate has failed to do so. He exhibited a letter written by his advocate giving notice to the defendant to vacate the suit property. Her further stated that he had gone to the chief and the sub-chief and they had attempted to get the defendant out of the land unsuccessfully. The plaintiff as can be seen from the evidence tendered before court proved that he is the registered owner of the suit property. He stated that the defendant without his consent had entered and remained on that property. I find that the plaintiff has on a balance of probability proved his case for orders as sought in the plaint. The judgment of this court therefore is as follows:-

1. An order do issue to the defendant to vacate the property Nyeri/Endarasha/1678 within 30 days from this date hereof.

2. That failing to vacate the suit property as in no. 1 above an eviction order do issue against the defendant.

3. The defendant shall pay to the plaintiff kshs.20,000 as general damages for trespass.

4. The plaintiff is awarded costs of the suit.

MARY KASANGO

JUDGE

Dated and delivered at Nyeri this 27th day of October 2008.

BY

M. S. A. MAKHANDIA

JUDGE