

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI (NAIROBI LAW COURTS)

Civil Case 821 Of 2005

LUCY MUTHONI NG'ANG'A PLAINTIFF

VERSUS

NYOKABI NJUGUNA

THOMAS MUKURIA

MUKURIA KIREMBA DEFENDANTS

JUDGMENT

By a plaint dated and filed in court on 4th July, 2005, the plaintiff claims an order of eviction against all the three defendants jointly and severally. Although all the defendants were served, none of them either entered an appearance or filed a defence. The matter came for formal proof before me on 2nd March, 2006.

In her sworn testimony, the plaintiff told the court that she was the registered proprietor of the piece or parcel of land known as **LAIKIPIA /KALALU/499**. The said piece of land is in a settlement scheme and the plaintiff was issued with the title deed in respect thereof on 30th June, 2005. A copy of that title deed was duly produced to the court as the plaintiff's exhibit. The plaintiff further told the court that although the defendants do not cultivate on the suit premises any more, they are still residing thereon and that they have ignored and/or refused to give vacant possession of the portions occupied by them. She therefore asked for an eviction order together with costs of the case.

I have considered the plaint and the evidence adduced by the plaintiff on oath. A copy of the title deed produced as plaintiff's exhibit No.1 shows that Title Number **LAIKIPIA/KALALU/499** was indeed registered in the plaintiff's name, and the title deed issued on 30th June, 2005. This evidence was not controverted in any way, and I believe the plaintiff. The title deed is prima facie evidence of ownership, and I therefore find that the plaintiff has proved her case on a balance of probability, and further that she is entitled to the orders sought.

I accordingly order the defendants to vacate the suit premises, namely **LAIKIPIA/KALALU/499** within 21 days of service of this order. In default of compliance, eviction to issue. The defendants will also pay the costs of this suit.

Dated and delivered at Nairobi this 28th day of March, 2006

L. NJAGI

JUDGE