



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAKURU**  
**Civil Case 240 of 2005**

**LOGHAN NJENGA WAWERU.....PLAINTIFF**

**VERSUS**

- 1. DAMARISMUGA KAMURE)**
- 2. LANDREGISTRAR – NAKURU).....DEFENDANTS**

**J U D G M E N T**

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The Plaintiff **Loghan Njenga Waweru** filed this suit against **Damaris Muga Kamure** and **Land Registrar, Nakuru**. The Defendants despite having been served did not enter appearance and thus a default judgment was entered against the defendants. The matter came up for hearing by way of a formal proof and the plaintiff gave evidence in support of his claim.

The Plaintiff told court that he became a member of Ndeffo Co. Limited in 1975, which was a land buying company. He paid for membership and was issued with the receipt for membership and a share certificate No.3968. He was subsequently allocated Plot No.423 within the company's parcel of land that is known as Molo South/Langwenda Block 12/423 which he took possession.

The plaintiff produced the share certificate and the payment receipt as exhibits. According to the plaintiff he has been in uninterrupted possession of the suit premises since 1975. After the allocation of the members share in terms of respective plots the land buying company was dissolved. The names of the shareholders were registered at the District Officer's office and thereafter they were taken to Lands Office for purposes of processing the title deed.

It was on or about June, 2005, that the plaintiff discovered that his title for the same plot that he has been in occupation being plot No.423 was issued to **DAMARIS MUGA KAMURE** by the 2<sup>nd</sup> defendant. The plaintiff contends that he has never met the 1<sup>st</sup> defendant whose title he claims was issued fraudulently and illegally.

He therefore sought for orders of declaration that the Title Deed issued to the 1<sup>st</sup> defendant be cancelled and he be declared the rightful owner of land parcel described as Molo South/Lagwenda Block 12/423 Marwa

I have carefully considered the evidence by the plaintiff, the documents produced in support of his case, I am satisfied that he has been able to prove his case to the required standard. This suit was not defended and all the evidence and material presented to this court were not controverted.

Accordingly, I hereby enter Judgment for the plaintiff against the defendants jointly and severally by way of:-

- a) A declaration that property known as Molo South/Langwenda Block 12/423 (Marwa) is the property of the Plaintiff.
- b) The second defendant is hereby compelled to

cancel the title irregularly issued to the 1<sup>st</sup>  
defendant and issue the Plaintiff with the  
same title.

- c) The plaintiff shall also have the costs of this  
suit to be paid by the 1<sup>st</sup> defendant..

It is so ordered.

Judgment Read and Signed on 28<sup>th</sup> April, 2006.

**MARTHA KOOME**

**JUDGE**