

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NYERI
Civil Case 20 of 1998

CHARLES GITONGA NDIRANGU.....APPLICANT/PLAINTIFF

Versus

IRENE MUTHONI GITHAIGA.....RESPONDENT/DEFENDANT

RULING

I have heard and carefully considered what was brought to my attention by the parties during the hearing of the plaintiff's Notice of Motion dated 4th December, 2003. There is no dispute that the Applicant obtained judgment against the Defendant, now Respondent, on the 10th day of July, 2002 and among the orders in the judgment was an order that the Respondent vacates the suit parcel of land and that if she fails, she be evicted.

There is no dispute that to-date the Respondent has not vacated the parcel of land LAIKIPIA/TITITHI/MATANYA BLOCK 3/1240 (MATANYA CENTRE). That clearly means that the Respondent has failed to comply with the judgment dated 10th July, 2002 which should now be enforced by this court's eviction order in terms of the aforementioned judgment which concluded as follows:

“----- I enter judgment for the plaintiff as prayed for in the plaint. The Defendant should remove herself from the suit premises on or before 31.7.2002 and in default the plaintiff will be at liberty to evict her. The plaintiff to serve the Defendant within 7 days from today with a final notice to vacate the premises Orders accordingly.”

I have been told that the final notice to vacate the premises was duly served by the Applicant upon the Respondent.

In the circumstances, the Applicant does not need an order in terms of prayer number (1) in his Notice of Motion dated 4th December 2003, but needs orders in terms of remaining three prayers.

Accordingly the said Notice of Motion is hereby granted in terms of prayers number (2), number (3) and number (4).

Dated this 29th Day, of May, 2006.

J. M. KHAMONI

JUDGE