



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAKURU**

**Civil Case 85 of 2005**

**WILLIAM GWARO KEREMA .....PLAINTIFF**

**VERSUS**

**ROSE CHELANGAT MWOLOMET ..... DEFENDANT**

**JUDGMENT**

William Gwaro Kerema filed this suit against Rose Chelangat Mwolomet seeking for a declaration that he is the legal owner of all that parcel of land known as **NAKURU/BORON/285**. Further the plaintiff sought for an eviction order to issue evicting the defendant by herself, her agents, and servants from the said parcel.

Briefly the plaintiff's case was that he is the registered absolute proprietor of all that land comprising in the title known as NAKURU/BORON/285 measuring approximately 2.0 Hectares. The plaintiff showed to court the original copy of title that was issued to him on 30<sup>th</sup> October 1998. Prior to the issuance of title the plaintiff wrote a letter to the office of President requesting to be considered for allocation of land. On 5<sup>th</sup> February 1982, he was given a letter by the Nakuru District Commissioner which duly allocated him plot number 285 which was by the District Settlement Officer, Nakuru District. The plaintiff was duly shown the plot and he started on developments of the same.

In 1992 due to the instability brought about by tribal clashes, his house was burnt down, his cow was stolen and he was forced to run away for fear of his life. After the classes subsided he went back to his land when he found the defendant had taken illegal occupation. Due to this interference, he filed a complaint against the defendant with the local police and she was charged before the Molo Senior Resident Magistrate's court in Criminal Case No.2175 of 2004 but this did not assist the plaintiff as the defendant continues to occupy his land and thus he filed this suit.

On the part of the defendant although she filed a statement of defence she did not attend court to give evidence in support of her defence.

I have carefully considered the evidence adduced by the plaintiff in support of his claim as well as the documents produced by the plaintiff in support of his ownership of the suit premises.

The plaintiff has sought for declaratory judgment because of the acts of direct interference with his quiet possession of the suit premises by the defendant.

I am satisfied that the plaintiff has proved his case to the required standard, that he is the registered proprietor of the suit premises and therefore entitled to the orders sought.

Accordingly, judgment is entered for the plaintiff by way of:-

(a) *A declaration that the plaintiff is the legal owner of all that land parcel known as NAKURU/BORON/285.*

(b) *An eviction order is hereby issued against the defendant by herself, her agents, servants from land parcel number NAKURU/BORON/285.*

(c) *The plaintiff is entitled to his costs of this suit.*

It is so ordered.

**Judgment read and signed on 26<sup>th</sup> May 2006.**

**MARTHA KOOME**

**JUDGE**