



IN THE HIGH COURT OF KENYA

AT NAKURU

Civil Suit 337 of 2004

PAUL GACHERU KIMANI.....PLAINTIFF

VERSUS

HARAKA FARMERS CO-OP. SOCIETY LTD..... DEFENDANT

JUDGMENT

The plaintiff filed suit against the defendant and claimed that in 1978 he balloted for Plot No. 78/Mau Summit in the defendant's farm. The plaintiff took possession of the said plot and settled thereon and began cultivation. There was a store and a drier on the said plot at the time and he paid for the plot, store and the drier a total of Kshs.43,000/-.

The plaintiff also testified that he paid Kshs.11,364/- to the defendant's bank account at Nation Bank, Molo. That money was conveyancing fees in respect of the aforesaid Plot No. 78 but todate he had not been given a title deed for the aforesaid property. He therefore urged the court to order the defendant to transfer the said Plot No. 78 to him and issue him with a title deed for the same. The defendant was served with the plaint but it did not bother to defend the suit.

I find that the plaintiff has on a balance of probabilities proved his case and I enter judgement in his favour as prayed in the plaint plus costs and interest thereon.

**DATED, SIGNED AND DELIVERED at Nakuru this 9th day of December, 2005.**

**D. MUSINGA**

**JUDGE**

**9/12/2005**

Judgment delivered in the open court in the presence of Mr. Kisila holding brief for Mr. Kiplenge for the plaintiff and N/A for the defendant.

**D. MUSINGA**

**JUDGE**

**9/12/2005**