



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**CIVIL SUIT NO. 74 OF 2003**

**GATIMU NDEGWA.....PLAINTIFF**

**VERSUS**

**MARITIM TESSOT & OTHERS.....DEFENDANT**

**JUDGMENT**

The Plaintiff filed suit against the defendants claiming that they had since 1996 trespassed into his property known as MOLO SOUTH/IKUMBI/BLOCK 12/484 (Gacharage) and erected temporary structures thereon. He stated that he had made considerable effort through the local provincial administration to remove the defendants but only a few of them had moved out of his aforesaid property. All the named defendants were served with the court process and an affidavit of service to that effect was filed but they did not enter appearance or file any defence and consequently interlocutory judgment was entered against all the defendants on 25th August, 2003.

The Plaintiff produced a title deed for his aforesaid property Exhibit 1 so as to prove that the suit property was truly his. He also produced two letters, Exhibits 2 and 3, which were from the area chief confirming that the defendants had made promises that they would move out of the property but they had failed to do so. The Plaintiff therefore prayed for eviction orders against the defendants, their agents, servants and all other people claiming their title under them. He also prayed for an injunction to restrain the same persons from entering or in any other manner interfering with his said property. I am satisfied that the plaintiff has proved his case on a balance of probabilities and I enter judgment as prayed for together with costs and interests.

**DATED SIGNED & DELIVERED at Nakuru this 26th day of March, 2004.**

**DANIEL K. MUSINGA**

**AG. JUDGE**

**26/3/2004**

**Judgment delivered in open court in the presence of Mr. Thuo for the plaintiff.**

**DANIEL K. MUSINGA**

**AG. JUDGE**

**26/3/2004**