

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
CIVIL SUIT NO. 54 OF 2001

RUTH MARY WAMBUI.....PLAINTIFF
VERSUS
MUCHIRI GACHEMI.....DEFENDANT

JUDGMENT

The Plaintiff's suit filed on 22nd February, 2001 was not challenged at all and so the matter proceeded by way of formal proof on 16/9/2004.

The Plaintiff claimed in her plaint that in or about 1957 she bought a piece of land from one Waweru Mbure measuring about 6 acres which piece of land was registered as **OTHAYA/IHURIRIO/118**. She caused the said piece of land to be registered in the name of the Defendant to hold the same in trust for her. She continued to use and occupy the land and still does so to-date but the Defendant has neglected to transfer the land to her despite repeated requests for him to do so. She therefore prayed for a declaration that the Defendant was holding the said land in trust for her and an order for the determination of the trust and transfer of the said parcel of land to her.

The Plaintiff formally proved her claim on 16/9/2004 and I am satisfied that on a balance of probabilities she established her claim and consequently I enter judgment as prayed in the plaint. The Defendant shall bear the costs of the suit.

DATED at Nakuru this 30th day of September, 2004.

DANIEL MUSINGA
AG. JUDGE
30/9/2004