



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**CIVIL CASE NO.1959 OF 1996**

**SALOME NYOKABI NGIRACHU:::PLAINTIFF**

**V E R S U S**

**NJOROGE NGANGA ::::DEFENDANT**

**J U D G E M E N T**

The plaintiff an 80 year old woman has brought this claim for a declaration that she be given ownership on adverse possession of a quarter acre plot No.GITHUNGURI.GITHUNGURI/T.64 wherein she says she has stayed since 1960.

She has now lived there for over 40 years but on the 34th year (1996) defendant wrote to her a letter requiring her to leave. The present case was filed after that letter Ex 2 and was served on the defendant who has not filed any replying affidavit although he entered an appearance.

On the evidence before me and it being shown that the plaintiff lived for 34 years without being asked to leave I think adverse possession is proved. The principle is that where a person stays on another`s land for 12 years without any hindrance or being asked to leave by the owner the same acquire rights of ownership over the said land.

After hearing the plaintiff, I declare that the plaintiff owner of the land shown as prayed and direct that Title Certificate be issued in her name and all those prayers as set out in the application be and are hereby granted. Costs to the applicant.

**Deliver on 6th day of May, 2002**

**A. I. HAYANGA**

**J U D G E**