

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL CASE NO.642 OF 2000

SHELDON MICHILWA.....PLAINTIFF

V E R S U S

MICHAEL NDARIE NYALIENYA & 5 OTHERS.....

.....DEFENDANTS

J U D G M E N T

The Plaintiff is the registered owner of L.R. NO.9341/233 (hereinafter referred to as “the suit land”). On 26th April, 2000, he sued the Defendants seeking their eviction from the suit land and to permanently restrain them, their servants and/or agents from trespassing thereon. He also sought in the Plaint general damages but that prayer was abandoned at the hearing. The Defendants were served with summons to Enter Appearance but none of them appeared. Consequently, interlocutory judgments were entered against the 1st, 3rd, 4th and 5th Defendants on 2nd October, 2000 and against the 2nd and 6th Defendants on 2nd February, 2001. This case is now coming up for formal proof.

At the hearing, the Plaintiff produced copies of his title documents proving his ownership of the suit land. The original documents were shown to the court. He testified that the Defendants had unlawfully occupied his land, were hostile and that he was unable to remove them. He asked for their removal as prayed. There is no doubt that the Defendants are trespassers on the Plaintiff’s land. They must therefore, be evicted and restrained from trespassing thereon again. I, therefore, allow this suit as per prayers 1 and 2 of the Plaint. The Plaintiff shall also be entitled to the costs of this suit.

Dated and delivered at Nairobi this 21st day of May, 2001.

ALNASHIR VISRAM

JUDGE